

Closed Caption Log, Council Meeting, 11/20/08

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good morning. Apologize for the delay getting started. But good morning. Got a particularly unruly crowd based on all of the uniforms in the back i guess. I'm austin mayor will wynn, it's my privilege to welcome harvey, college heights baptist church, to lead us in our invocation, please rise. Pastor?

Thank you. Shall we bow in a word of prayer? Gracious god, our father, we come at this time and at this place and for this indication, we come first of all giving you thanks and for allowing us just another chance and privilege. We find it an honor and a privilege to stand even in this place. Lord, we ask the special blessings upon the discussions, those things for debate and those things for approval that would be discussed in this council meeting. Lord, we ask your blessings upon mayor wynn and all of the council. We ask your blessings upon each of us. We thank you for safe travel to this place and when we shall be through, we ask for your travel and grace to our various destinations. Lord, we ask your blessings upon each of us, one by one and name by way. This is your servants prayer, we ask it right now in precious and powerful name of jesus or lord and savior, amen.

Mayor Wynn: Amen. Thank you, pastor harvey. There being a quorum present, at this time I will call to order this meeting of the austin city council. 29 a.m. We're here in the city council chambers of the city hall building, 301 west second street. I will just note that mayor pro tem mccracken won't be with us for this meeting. He's still on his honeymoon. Councilmember martinez's honeymoon apparently was short lived. [Laughter] so the -- [laughter] please join me in congratulating newly married councilmember mike martinez [applause]

thanks, mayor. I just -- just so some of you know, one of the things that I discovered on my wedding day was that our city manager does a pretty mean electric slide. [Laughter] and councilmember cole does a hell of a bump. [Laughter] and I have the pictures to prove it. [Laughter] thank you, mayor. I want to say hello to my would i, watching online from houston, texas today. I love you honey, I'll see you tonight.

Awww. [Laughter]

Mayor Wynn: Thank you, councilmember. Council and folks, before i walk through the changes and corrections to this week's posted agenda, we try to take this opportunity each week or each meeting to announce if we're aware of any likely upcoming items from council or other issues that -- that we might

be addressing relatively near future council meetings. Additional items likely to be coming before council? Hearing none, what I will do is walk through our changes and corrections for this week's posted agenda. ... noting that part of the consent agenda we'll be postponing items 3 and 4. These are two service extension request items to our next meeting, which is THURSDAY, DECEMBER 11th, 2008. 6, we should just note that -- that staff, this is regarding the -- the hill country conservancy acquisition, note that staff will be coming back to council in early 2009 with a separate memorandum of understanding with the hill country conservancy regarding the project known as "walk for a " 6 that i anticipate being on our consent agenda. 10 we should note that it comes recommended by the wastewater commission. 56, which is regarding our pid or public improvement district policy, will be postponed indefinitely, per staff request. We will note on item 65, item from council regarding our mlk parade, I will be listed as an additional co-sponsor. 93, we should note that the planning commission recommendation is to grant general commercial services mixed use conditional overlay neighborhood plan. Or cs-mu-co-np combining district zoning to change a condition of the existing zoning. Later this evening, item no. 00 public hearings, , the staff will be noting or requesting that the public hearing aspect of this item regarding the block 18 piece OF THIS EAST 11th, EAST 12Th street public hearing 7 be withdrawn. We will continue to have the public hearing this evening, but block 18 won't be part of that -- of that public hearing or discussion. Let's see, our schedule for today, after we get through our consent agenda, we may have one or two discussion items to take up this morning, at noon we come back for our general citizens communication, sometime beginning after , probably right 00, we anticipate having three afternoon briefings. Probably in this order. The first one will be a briefing regarding the homestead preservation reinvestme for homestead preservation strategy. That will be a staff presentation. A staff presentation briefing from the design team rfq for the process for choosing the new central libraries architecture team. This will be a staff presentation, going to be followed briefly by a presentation from our public library foundation, our partner on the new central library project. But council technically won't be posting to take action on that architecture choice until thursday, DECEMBER 11th. Finally, our third and final afternoon briefing will be the report from our live music task force. , we're going to technically recess the city council meeting for a few minutes to conduct our business as the austin housing finance board of directors. we will start all of our zoning matters. 30 As usual break for live music and proclamations, our musician today is steve bernstein, stay tuned for steve. we will start our public hearings. So far one item has been 23, which regards the settling of a lawsuit with the contractor of the terrazas library, staff would like to give us a brief public presentation on that proposed settlement. We had a closed session legal briefing on that at our last meeting. So far no items have been pulled off the consent agenda. So this will be a to my -- this wouldbe the time to do that if you want to take one off the proposed agenda. Councilmember leffingwell?

Leffingwell: I'm going to have a friendly amendment to the ordinance on item no. 58, If I could offer that now, and keep it as part of the consent agenda.

Mayor Wynn: I guess let's get a motion and a second on the consent agenda, councilmember, technically and then we'll take that as an amendment to the motion. Council, any additional items to be pulled off our consent agenda? If not I will propose this morning's consent agenda numerically. It will be to approve item 1, the minutes from our previous meeting. From austin energy approving items 2. From austin water utility we will be postponing items 3 and 4 to our decem 11th, 2008 MEETING. From our

community care services department, we will be approving item 5. From our contract and land management department, approving items 6, 7, 8, 9,, 10, per changes and correction. 11, 12, 13 And 14. From our economic growth and redevelopment services, we'll be approving items 15, and 16. We will just note that they will be related to item 69 on our agenda, which is just setting a public hearing for budget proposals. We will be also approving items 17 and 18. We will be noting that they relate to our item today, item 68, again setting a public hearing for those p.i.d. budget approvals. We will be approving item 19. From our fire department, we will be approving item 20. From our health and human services department, approving items 21 and 22. From our library department we will be approving item 24. From our management services department, we will be approving item 25, we're going to keep -- this is regarding our -- our new fire chief, we're going to keep that on the consent agenda. We have we have all of our comments on other items on the consent agenda that we're going to take a few minutes and have us some special comments about item 25, the confirmation of the appointment of our new fire chief. From our neighborhood planning and zoning department, we'll be approving items 26, 27, 28, 29, 30, 31, 32, 33, and 34. From our police department, we will be approving item 35 and 36. From our public works department, we will be approving items 37, 38, 39, 40, 41, and 42. From our purchasing office, we will be approving items 43, 44, 45, 46, 47, 48, 49, 50 and 51. From our telecommunications and regulatory affairs department, we will be approving item 52. From our watershed protection and development review department, approving items 53, 54, 55. Per changes and correction, we are noting that we will be postponing item 56 indefinitely. Item 57, are our appointments to our board and commissions and I will read into the record. They are to nominate to the renaissance market commission, aaron brooks, who is nominated by councilmember cole. And mayor pro tem mccracken nominated ashley fisher to the robert mueller municipal airport plan implementation advisory commission. 57 on our consent agenda. We will also be approving item 58, 59, 60, 61, 62, 63, 64, 65 per changes and correction. We will be setting the public hearings by approving items 66, 67, 68, 69, and 70. And we will be approving our addendum item, which my computer screen doesn't list -- doesn't number the addendums, but 106 -- thank you, mr. smith. 106 which is regarding the upgrade of the decker creek power station. So that's the proposed consent agenda. I will entertain that motion. Motion by councilmember martinez, seconded by councilmember leffingwell to approve the consent agenda as read. Further -- I think that we only have one citizen to give us testimony. So let's take that testimony first, council. And then I will open it up for potential amendments and council comments on our consent agenda. Let's see. 58, which is regarding our sustainably food policy carla kampf would like to give us testimony. Welcome. You will have three minutes.

I would like to invite, roger rutledge the executive director to share with me. Marla camp. I want to thank, council, mayor, county commissioner sarah eckhardt, who also hopefully will say a few words and everyone here on bringing together this very, very important body to work with city government. And county government on -- on helping to strengthen our local food system and local food economy. I would like to ask everyone here who came to support this and who have many, many stakes involved in this whole proposal to stand up. So thank you very, very much for coming out. I would like to -- this sustainably food policy board is really created on behalf of our small independent food makers and food artisans who work together to create wonderful, delicious products with local ingredients and are struggling to find support within our community to be able to thrive. We -- this is on behalf of our

independent markets, who sustain a lot of lower growers and producers and bring these products to all of us. This is on behalf of our local hard working sustainably farmers and ranchers who work the land here, the very rich farmland around our urban core. And within our county. We're blessed in texas with two long growing seasons and thanks to our local farmers and ranchers and food producers, we are able to maximize a lot of food that can feed our community from this. So -- so on their behalf and on behalf of all of the local food non-profits that we are also very lucky to have in our community, including sustainably food center, the green corn project, let's see texas organic farmers and growers association, the capital area food bank, and many others that we are so lucky to have here, on their behalf. On behalf of people everywhere who care where their food comes from, who care about maintaining and protecting our local resources to create this food market for us. And on behalf of all eaters everywhere [laughter] that is -- that is all of us because we all eat. So on all of these behalves of these incredible forces we have in our community, i am so excited that the sustainably food board, food policy board will be able to work with local governments and all of these people with all of the input from the community resources to create a stronger local food economy and a much, much more sustainably future for the delec table, tasty, nutritious and safe, as carol anne sale, this food that's still quivering with life to bring to our plates. Appreciate it. Can rhonda say a few words.

Of course you may, rhonda, welcome.

Thank you. On behalf of sustainably food center, who cultivates a healthy community by strengthening the local food system and improving access to nutritious affordable food, I want to say thank you to the councilmembers and county commissioners who are putting this forth. We think these efforts are valiant as you can see by everyone who is here representing the local food community. We're very excited for the possibility of austin and travis county having a sustainably food policy board. We appreciate your efforts very much. Thank you.

Mayor Wynn: Agreed, thank you, ladies. [Applause] also -- as a point of personal privilege, I am pleased to see county commissioner sarah eckhardt is here. Commissioner, would you like to say a few words? We sure appreciate the coordination with the county commissioner's court on this item. Welcome.

I will be brief. First, it's amazing we don't get this kind of audience at county commissioners court. I'm a little jealous, a little bit of stage fright here.

Mayor Wynn: There's many thursday nights I would trade with you, I promise you [laughter]

I am -- I am so honored that we were asked to participate in this as well. Our version of a resolution, of your resolution will go before the commissioners court either next tuesday or the tuesday after. Two of my points of keen interest in this effort are to provide sustainably nutritious food to our indigent population as well as to sustain agricultural and ranching use of our land within the region. These are two issues that i think through coordination with the city and county and other surrounding counties we could be a real model in the state and in the united states for providing food, all the way down our economy. And providing locally produced food and sustaining that agricultural and ranching heritage on

which my family, after five generations in texas, feel that that's the very bedrock of our culture. So thank you so much for entertaining this ordinance.

Mayor Wynn: Great, thank you, commissioner. [Applause] lastly, council, we have one more citizen, jennifer gale signed up wishing to give us testimony on combined items 15 and 16 related to the east sixth street public improvement district. Welcome, jennifer.

Good morning, mayor, council. I have a very big problem with giving nearly half a million dollars to the pecan street business association. And to using public improvement districts to -- to improve the downtown, which is creating the sky scrapers that are taking -- taking the austin we grew up with away from us. A half a million dollars there and -- and of course the -- the new downtown public improvement district. This money, all the money that's going to be raised from those brand new condominiums could be going to lowering our tax rate in the city. And now we're going to use it to create special projects that are going to be within feet of town -- of lady bird lake whereas that money could be used to -- to plan where we keep -- we don't build our downtown area right up to the lake itself. We should have this -- this growth of building. We should have the parks like we have on the south side. We're encroaching on the town lake, this morning is being taken from these wealthy condominium owners and not being used to lower the tax rates so whenever everyone looks downtown at those beautiful brand new buildings, they are not going to see the benefit. It's going to be those few streets that have been used to gentrify austin indris and raise our tax rates and I think that's a same.

Thank you, jennifer, council, that's all of our citizen comments. Before I ask for council comments as well as the likely amendment, I will just say council as you know, of course, items 15 and 16 relate to the east , that's a public improvement district. What that means, folks, half a million dollar, those are the property owners on east sixth street who voted themselves an additional tax. That is ad valorem tax rate above what the city, county, , health care district is already charging them and then we collect it and give it right back to them so then they can pool their money on east sixth street for improvements. Mostly, of course, regarding cleanliness and safety. So this is tax money collected by property owners amongst themselves, voted by them to do so, and this is the formality whereby we give them their money back to spend on projects that we also get to approve and again most of these projects relate to cleanliness and public health on the sidewalks of east sixth street. My one initial comment is just very pleased to see 37, the lance armstrong cross town bikeway, I remember our very first vote on this back in 2000, almost nine years ago, on a different dais. Whereby we approved the project. We have slowly now starting piecing it together. If you drive down cesar chavez, you have probably seen a couple of the links that now exist from mopac heading east all the way to the lamar street bridge. We essentially have it completed. Then there's a section running from the union pacific railroad tracks further towards the east to shoal creek. Sort of missing link right there is where you see the improvements, park improvements being made in that section between the -- between the union pacific railroad tracks and lamar boulevard in conjunction with other mobility improvements right there. As that site work gets completed here in a matter of weeks I hope, perhaps months. Then that one missing link there of the lance armstrong bikeway will be completed. What this item technically is, is finally the consensus that we will run the bikeway across the core of downtown on third street. There had been debate for years really between third and fourth street. So this will -- this will be the formality whereby we will now

improve and strike bike lane along third street that will then connect the shoal creek bridge, where the lance armstrong bikeway no ends to the convention center. If you go to the convention center there at trinity and fourth, not only will you see the new capital metro commuter rail train station that is now complete, you will see adjacent to that the remaining link of the lance armstrong bikeway heading east from trinity street on fourth. So just pleased to see after many years, a lot of -- a lot of dialogue and debate, even some contentious debate. We have settled on third street as that last link in the cvb. I look forward to being able to have cyclists safely cross really the entire urban core because the lance armstrong bikeway will connect mopac on the west to 183 on the east. I'm pleased to see this item on the agenda. Further -- I guess before we have comments, I think councilmember leffingwell has a proposed amendment for councilmember martinez's motion regarding our consent agenda.

Leffingwell: The proposed friendly amendment to the ordinance is item no. 58, The ordinance establishing the sustainably food policy board, pertains to part 1, item 8, and adding at the end of that sentence the words comma, including organic, pasture based and humane farming products, period. I can furnish this text. I guess that I would have to ask the attorney if that's simple enough to be included.

It is.

Leffingwell: I will furnish this to the clerk.

Mayor Wynn: Thank you. Councilmember martinez, do you consider that a friendly amendment? So council we now have an amended consent agenda, a motion and a second on the table. Further -- reminding us that we're going to hold on item 25, which is our fire chief appointment here until at the very end of our series of comments. Further comments on our consent agenda? Councilmember martinez?

Martinez: Very quickly, I wanted to thank commissioner eckhardt and commissioner davis for 58 on the sustainably food policy board that we're going to create. It doesn't just speak to not only does it speak to being healthy, being more sustainably as a local community, but it even reaches beyond that. It's going to help us achieve our goals as it relates to climate protection. It's almostly grown, created, not shipped here. It's going to create jobs, opportunities for folks. The restaurant industry has already caught on to this. Many of some of the best restaurants in this town buy all of their produce right here in austin, texas. A few of them grow their right behind their restaurant. East side cafe being one of those. It is not something new. But it is something that we take to heart. I want to support everyone who is supporting this, county commissioners court and councilmember morrison and councilmember leffingwell. So thank you. [Applause] again, we have an amended motion and a second on the table regarding our consent agenda. Further comments? Councilmember cole?

I just wanted to again point out about items 17 through 19 dealing with the pid's for sixth street and the public improvement district. When our economy is suffering so, one constant bright spot we constantly see is the hotel disturb motel taxes. They remained -- hotel/motel taxes. They have remained constant and for us to use for the entire city. We have the downtown residents of sixth street and the downtown area willing to tax themselves additionally to -- to keep their quality of life downtown attractable to

tourists. Tourists have actually been surveyed, they say that the number one tourist attraction for austin is still sixth street. Not u.t. longhorn games. [Laughter] just kidding. A longhorn can say take that.

Ask the aggies. [Laughter]

thank you.

Mayor Wynn: Thank you. Again, councilmember martinez?

Sorry, mayor. Councilmember cole reminded me of something, we're not going to meet before next saturday. I wanted to remind everybody about obviously the kickoff to the holiday season, the chuy's children giving to children is saturday. The fire department and police department are heavy participants in this. In these current economic times, this year more than ever we're going to need your help. I encourage everyone to come down to the parade next saturday on friday morning, chief acevedo is going to be hosting a show with buckey and bob to raise money for blue santa. "Coats for kids" is kicking off. More than ever this year we're going to need folks to dig deep and help us out so that everyone can have a safe and happy holiday season, I encourage everyone to participate starting next week. Thanks, mayor.

Mayor Wynn: Thank you, councilmember. Of course thanksgiving day 00 the aggie band corps of cadets will be marching up congress avenue. One of the finer shows of the year. [Laughter] the crowd is always in orange, I'm proud to see the longhorns come up to watch the aggies march up congress avenue. That's when the sadness begins. So again council -- [laughter] so lastly, folks, we -- but very importantly, we saved 25 that is now on our consent agenda for approval is the city council's confirmation of the city manager's appointment of rhoda mae kerr as the fire chief. I would like to turn it over now to the city manager marc ott.

Thank you, mayor wynn. It is indeed my privilege this morning to offer this recommendation and as you heard the mayor say that the council's confirmation, the appointment of the city's next fire chief. After -- after six months, in telling a national search -- end tailing a national search pros -- entailing a national search process, it's my honor for recommend little rock fire chief, rod did a mae kerr to be ratified as our fire chief in austin, a nationally recognized fire department. Given your confirmation, council, this morning, of course chief kerr will be the first woman to lead the department and of course we all know that that makes history. In our great city. There were a number of people involved, groups involved in this six month selection process. I want to at this time acknowledge a few of them. First and foremost, i certainly want to acknowledge the work of our acting fire chief, chief jim evans. Who has just done -- I can't overstate it, an outstanding job stepping up and serving as this great city's acting fire chief and chief evans, as I've said to you already before, my hat is off to you. My appreciation and heartfelt thank you to you. And all of your personnel for doing such a fine job. The fine job that you have always done. Thank you very much. [Applause] still there were others involved in the selection process. I want to recognize steven truesdale, of the austin firefighters association. He also provided invaluable input into this process, even took the time to make the trek with us to chief kerr's home city. So thank you, steve for your involvement as well. I also want to thank the members and presidents of the other firefighter

associations for participating in the selection process. Of course there were many others. Of course we had a citizens forum and a variety of people attend that and had the opportunity to spend time with the candidates and offer comments to us that we could evaluate along with all of the other information we took into account in making this very important decision. When the process started, we asked the austin community as well as the firefighters what they wanted. And an ex-fire chief. We got lots of feedback. They said to us they wanted not only someone with the technical skills but someone also with great people skills. They said they wanted a good listener, a good leader and someone not afraid to although at new approaches, to resolve old problems and someone not afraid to address the unforeseen issues that have faced and will continue to face the department. They also said that they wanted someone who had a proven track record of accomplishment and community involvement and I can tell you with absolute certainty that chief kerr fits that profile. As the little rock fire chief over the past four years, she - she has promoted fire safety and training and the overall well-being of all of her personnel within the fire department. She has been involved -- and this will be important in the city of austin -- in many, many community groups. Very much engaged in the community and absolutely raised the profile of that department throughout the city of little rock. I certainly had evidence of that had the opportunity myself along with others to visit little rock and we spent a whole day there. Myself and a number of other truesdale was there and others. We met with a lot of people and to every person that -- that sat and spent time with us, they spoke of chief kerr with the absolute high regard. So that's certainly a strong evidence of the leadership that she provided to that community over the past four years. For more than two decades in fire service includes working through the ranks of the fort lauderdale fire department and she left that department having risen to the rank of deputy chief and then after that of course she went on to her current position in the city of little rock as their fire chief. Beyond chief kerr's technical skills, she has certainly impressed everyone, including us, with what I would characterize as a likability factor that translates into someone who will both be involved in and embrace the community and make no mistake, chief kerr, we will embrace you back, as you can see by all of the people that are standing in this room and present today to witness this historic occasion of your appointment. She understands the issues facing our city. We are absolutely convinced of that. She understands and recognizes the issues associated with -- with our accelerated growth. She understands full range of diversity challenges that we have in our city. And so today, it is my privilege to have this opportunity to not only recommend you, but to officially welcome you to our city and as a key member of my leadership team. It's my privilege, chief kerr, to recommend you to the mayor and council. [Applause]

thank you very much. Mayor, council, city manager, for giving me the opportunity to -- to serve as the next fire chief of austin. I heard someone up here earlier say something about stage fright. Well, I think that I have got it double. And city manager marc ott thank you very much for that wonderful introduction and the men and women of the austin fire department, thank you very much for being here today. I am truly excited about the opportunity to serve as the next fire chief. And I want you to know that I am humbled by the opportunity. And I will be very proud to lead the great austin fire department into the next generation. And I am not going to get the three minute warning, so I'm going to say once again, thank you very much to everybody and I'll see you all in february.

Mayor Wynn: Thank you. [Applause]

Mayor Wynn: I'm told there might be a spokesperson or two from the department, although chief evans -
- I don't know if chief evans helped with that or not. Folks are welcome to give brief commentary.
Welcome, again thank you for your service.

Thank you, first of all, I can't tell you how thrilled I am personally to be standing here. [Laughter]
welcoming chief kerr to the department. And as the city manager stated earlier, about this being an
historic event, well, with over 32 years of history with the department myself, I think that I can attest to
that. This certainly is an historic moment for all of us. And I just want to say that everybody from the
rank and file as you can see, from the rank and file, all the way up to the executive team, we are just
ecstatic to have chief kerr coming on board. I've had the pleasure of being able to spend some time with
her. I can tell you right now that she poses all of the qualities that the city manager has just pointed out
and she's the right one. So let me just close by saying thank you to each and every one of you for your
support of and participation in the process that brought her to us. Thank you very much.

Mayor Wynn: Thank you, chief. [Applause]

Mayor Wynn: Perhaps, i haven't seen him, we've talked about steven truesdale. I don't know if steve is
with us or not. But -- okay. Well, good for him. [Laughter] how about again as a point of personal
privilege, i would like to recognize councilmember martinez, a 13 year veteran, of course, of the austin
fire department. Councilmember?

Martinez: Thanks, mayor. Obviously this is -- this is a very special occasion having been a firefighter,
having served with firefighters, one of the things that -- that I worked on really hard throughout my
career was trying to make the fire department more diverse, more open organization. And I think that
we've come a long way. I certainly got beat over the head by this council many times for not having
achieved it as quickly as we wanted to, but we're getting there. You know, today is just the -- just
another step in that direction. And chief kerr, I know that you know this, but being the first is not so
important as making sure that you are not the last. And I welcome you here with open arms. I look
forward to working with you in moving this fire department in a more positive direction. I do want to take
just a point of personal privilege. You all are making a very, very important decision this week. I ask you
to truly consider the contract that's before you. And these current economic times and with the situation
that you are in with your pension fund, with your retirees, struggling out there to make ends meet on a
day-to-day basis, you have a very difficult decision in front of you. This contract asks you to open your
arms and welcome diversity into the fire department. That's what it's asking you to do. But at the same
time this city is making a commitment to your salaries, to your pensions, for the rest of your lives. I think
that's a fair tradeoff. I ask you to consider it, i ask you to help chief kerr have this contract to allow her to
do the job that we are asking her to do and let's all move forward together. Thank you.

Mayor Wynn: Well said, thank you, councilmember. [Applause] technically we have an amended
motion and a second on the table for the consent agenda that includes rhoda mae kerr as our fire chief.
Further comments? Councilmember morrison?

I just want to also extend just as I'm sure everybody on the council does, a welcome to chief kerr and --

and beyond the leadership that you are going to be providing to the fire department and we know how terrific that's going to be, I wanted to comment that -- that in terms of the community leadership that we all know that you'll be providing, I want to let everyone know that I have already seen evidence of that. I believe it was probably within 24 hours of when chief kerr and the decision was initially made. I know that she had already started reaching out to the community and I'm just kind of very excited about that, because I think that you will be a terrific leader, bringing the men and women of the fire department more visibly into the community and -- and ultimately ending up with a safer community. I thank you for that.

Mayor Wynn: Agreed, thank you. Councilmember leffingwell?

Leffingwell: First, I also want to thank acting chief jim evans. Since I have been on the council this is the second time that you have stepped into the breach and we really appreciate your efforts as far as providing continuity during these difficult transitions. But I also want to say welcome to chief kerr. We're glad to have you aboard. I'm totally supportive. I want to mention we have two very important policy goals, which councilmember martinez touched on, that is increasing diversity in our fire department and also increasing the availability of facilities of individual fire stations throughout the city, which is going to be a long-term project. I have a feeling that you are going to be supportive of both of those goals. But I also know that you are going to be chief of -- of all of the fire department, not just one particular group. And I'm fully confident in that. And again I'm totally supportive of this nomination.

Mayor Wynn: Thank you. Any further comments on our amended consent agenda? Councilmember cole?

Cole: Mayor, I just wanted to welcome chief kerr and I noticed in her comments that she reflected on the three minute rule and I wanted to assure her that that would not apply to her. If she had any issues with that, she could talk to councilmember morrison who ran for council to avoid that three minute rule.
[Laughter]

Martinez: One last comment. Chief kerr could you stand up one last time.

I don't see chief acevedo. But he and I have gotten into a little basketball contest every now and then. She's on my team now. [Laughter]

Mayor Wynn: Well put. Again, further comments? On our approving of our consent agenda? Again, chief kerr, I will just, you know, mirror what my colleagues have said. We welcome you. You are about to take over a fantastic department and in a spectacular city. You are going to love this town and appreciate and love the department, the men and women you will be serving with. We welcome you with open arms. Again, motion and second on the table approving our amended consent agenda. All in favor please say aye?

Wynn: Opposed? Motion passes on a vote of 6-0 with the mayor pro tem off the dais. Thank you all very

much, congratulations. [Applause]

Mayor Wynn: So folks, we would appreciate it if you would take your conversation out to the foyer, I know that everybody is excited we have a nice crowd, but take your conversation to the foyer we can continue business. [One moment please for change in captioners]

I'm here today to follow up on that discussion and recommend settling the lawsuit in the amount of \$325,000.

Mayor Wynn: Thank you, gordon. Questions of staff, council? Comment? As gordon pointed out, we did have a detailed and appropriate discussion in closed session regarding all the legal issues regarding this lawsuit, so hearing no questions of staff or further comments, I'll entertain a motion on this item number 23. Motion by councilmember cole, seconded by councilmember morrison to approve item number 23 as presented by staff. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of six to zero with the mayor pro tem off the dais. Thank you, gordon. So council, I believe that's all of our potential action items before our general citizen communication at noon, so without objection we will now go into closed session pursuant to section 071 of the open meetings act to take up item regarding legal issues concerning a lawsuit regarding the daniel rocha case. We are now in closed session. I us coming back out -- i anticipate us coming back out right at noon to take up general citizen communication.

In executive session we took up item number 71, legal issues regarding a lawsuit related to the daniel rocha case. No decisions were made. We're now back in open session for our noon citizen communication. Our first speaker signing up this afternoon is rae nadler olenick. Sorry if I mispronounced that. Welcome. You will have three minutes be followed by carol anne rose kennedy.

My subject is water fluoride addition and you're looking at a picture or should be of tom sawyer, the hero of mark twain's classic. Tom was a boy growing up in the 1800's. He was always getting into mischief and getting punished and one day his punishment was to paint the fence. So there he stood brush in hand in despair of missing a day of fun with his friends when one of those very friends passed by on the way to the old swimming hole and tauntingly asked tom how he liked working on a beautiful saturday. And tom got an idea. He replied that he loved it. It was great fun. Well, his friend was skeptical, but after watching for awhile asked if he could try it. Then another boy came by and another and another and each one took his turn. By the end of the day not only had tom's friends painted the fence for him, he had even gotten them to pay for the privilege. So what does tom sawyer have to do with fluorideidation. The fluoride in our drinking supply is not that of pharmaceutical grade like that used in tooth paste. The fluoride in drinking water is a by product of industry. It comes contaminated with lead, aluminum and other toxic impurities. If those fertilizer producers didn't have access to our nation's water supplies, they would have to pay to dispose of all that material as hazardous waste. Today we're a lot like tom sawyer's friends. We're mitigating someone else's punishment. The enormous cost of an industry's toxic waste disposal, by taking on their waste and paying for it to boot. How we got into such a grotesque position is of note. Briefly, fluoride is essential to aluminum smelting and you are ran numb enrichment. It made possible the atomic bomb and our country's post world war ii prosperity, but it also destroyed

the health of workers exposed to it. As that unpleasant fact began to surface in the news during 50's's, something had to be done and something was. It took the form of an ingenious government sponsored pr campaign to rehabilitate fluoride in the public mind. That's a story for another day. Meanwhile, the city of austin's latest two-year contract with supplier from the chemistry is for \$1,175,000. Now, to the extent that fluoride benefits teeth at all, it's through topical application, better known as brushing. And \$1,175,000 will buy a lot of tooth paste. Thank you.

Mayor Wynn: Thank you. Our next speaker is carol anne rose kennedy. Welcome. You will too will have three minutes, to be followed by paul robbins.

Welcome back, council. Giving thans. Thanks. I stand here today to thank you all for serving, especially for the times y'all step away from your offices an up your sleeves. I very much appreciate nine of you, your fine staff and the thousands bind you who can -- behind you who can hear me now. I thank you for the free lunch. I thank you for running water, artificial heat mechanisms, toilet paper and a safe place to fall asleep. I thank you for the blue eyes of texas I was born with and the subsequent blindness to the colors of the skins of all human kind and all kinds of humans. I thank you for the neighbor who works on his truck at 00 in the morning and still preserves a silent night. I thank you for the latch key kids who can knock on neighbor's doors or come in through the bathroom window 24/7, 366. I for the austin cops and the county sheriffs and the texas rangers who exercise authority and judgment considering the laws of the gods before the laws of the lands. I thank you for the one-legged vietnam veteran whose promised to save the first dance me. I thank you for the high school dropout who could still be our president in my lifetime. I thank you for the children who pick up their mother's cigarette butts as soon as she drops them six feet from the trash can. Thank you for the aliens who more than they receive. I thank you for the preachers who practice with a penny in their pocket. I thank you for the man who stands up to, stands beside and stands beside the mother of his child. I thank you for the mother who stands alone. I thank you for the forgiveness and the second chance that top. I thank you for the obama's who did and the osama's who didn't. I thank you for the workers and the players who walk, car pool, bike or hop a bus everywhere they go. I thank you for keeping the pet population under birth control. I thank you for everyone in homes and offices who recycle more than they throw away. And those who generate today even one less piece of trash than they did yesterday. I thank you for the homeless who appreciate a song or a smile in lieu of spare change. I thank you for our children stand up to the religious resistance at school by honoring and respecting their teachers and other students and take advantage of the infinite opportunities for a silent moment of prayer. Finally, I thank you for the family, friends and foe who can and will barter at the gift exchange. I will dig a moat around your mansion before I debone that turkey. Giving thanks. Happy thanksgiving and thank for giving. [Buzzer sounds]

Mayor Wynn: Thank you. Let's see, paul robbins is our next speaker. Pat johnson can't us today. Welcome back, paul. You will have three minute to be followed by linda messier.

Council, mayor, citizens of austin, I'm paul robbins, an environmental activist and consumer advocate. I'm here again to ask you to explain why citizens cannot vote on revenue bonds, article 7, section 11 of the city charter reads, quote, all revenue bonds issued by the city shall first be authorized by a majority of the qualified electors voting at an election held for such purpose. I probably have spoken on this

issue a dozen times in the last three years, and there seems to be some confusion on the part of the city attorney as to what i have said to council. So I will briefly clarify the political, legal and historical issues surrounding this. The first record election of utility bonds that I can find is construction of a sewer system in 1910. There was an expansion of the san sewer system voted ON MAY 18th, 1928. Citizens routinely voted on for utilities until 1984. At that time the city council approved bonds for the south texas nuclear project for its most recent overruns without voter approval. The council reasoned that no one in their right minds would continue to approve bonds for this disaster, but the city council had signed a hell or high water contract that obligated it to pay for mismanagement. The council further reasoned that they could not pay for the nuke cash because it would raise rates ex-sosh exorbitantly. So this no win situation was resolved by make breaking what was then the. I may be the only person in this room that attended the hour long press conference that day where the council faced an angry and skeptical audience. City council was sued by 38 plaintiffs at least two of which went on to become city councilmembers. And later the third circuit court ruled that the city was authorize by the state to sell bonds without voter consent. The plaintiffs did not have the money to appeal the decision. The council action was so controversial that the city continued to vote on revenue bonds other than the nuke for the next 14 years. Between 1984 and 19 -- 1984 and 1998, about 1 point # \$8 billion of utility bonds were approved. Records of this can be found on the city of austin election history website. In 1998 nothing overtly happened to stop voter approval. Rather, a combination of things caused it to stop. For several years there was enough money that voters had authorized -- buzz. [Buzzer sounds] I'm out of time.

Mayor Wynn: Take another minute or so, paul. This is interesting. You may try to.

For several years there was enough money authorized. There was a recession early in the next decade that caused spending to be curtailed. The city council modified its policy several times to exempt larger and larger amounts of money, and you had a city management that wanted little to do with the voters. The city attorney may protest all he wants, but i have never misinformed the council, and I am on record asking the council before the last two city charter revision elections to place this before the voters. You willy be asked to approve half a billion dollars for the city's next water treatment plant. And this will be done during a time of a recession and it will raise rates. I think something like this is important enough to be voted on by citizens. Thank you for the extra time, mayor.

Mayor Wynn: You're welcome. Thank you for the history lesson. Let's see, our next speaker is linda messier. I hope I did a slightly better job of pronouncing that, linda. You will have three minutes, to be followed by walt esquivel.

Good afternoon, mayor wynn, city councilmembers. I'm here to about business practices and ethics regarding tchd, which is travis county health care district. Citizens have observed tchd's inability to be forth coming. Their lack of authentic communication and unethical actions over the past several months. Some citizens have raised concerns that tchd might be taking advantage of the elderly ancestors of the grassy family by rushing through a land deal. Tchd was to provide health care for the indigent population. The citizens of austin approved to create this new organization in 2004 with goal such as promoting transparency and accountability to the public in provisions of health care and reflect local sensitivities in their decision making. Up to this point in time, tchd has had no public oversight, thus no

public scrutiny. On november 4th of 2008, which was a very significant day as far as voting and in the city, tchd's press release stated, city staff recommended approval of the planned use for this siewfs. Councilmembers, this is another example of tchd's attempt to skew the facts being fed to the public. There was no approval. The original zoning application requested a change from the current , neighborhood , general use. The city staff affirmed that was too broad a zoning classification for this neighborhood and offered a compromise by recommending zoning classification, which would allow for the clinic use. The staff did not approve the plan sd use for this site. It merely offered the most restrictive zoning classification that would allow this tract of land to be used. Established clinics are located in business, retail and commercial areas which have been appropriately zoned. The location on braker lane is the first proposed clinic in a residential area, and as you know, this land appropriately zoned for a neighborhood office. Plot, location and demographic data has been repeatedly presented by tchd for their goal before citizens can have a say. The consistent display of poor judgment, inept leadership, lack of respect and integrity by tchd executives will not be forgiven nor forgotten by the resident of austin. Councilmembers, if tchd has run amuck in the handling of this proposed rezoning and land purchase, how effective are the board of managers? If tchd is only accountable to the board of managers, who is responsible for managing the board of managers? I ask the city council to step up. It's a new day. Thank you.

Mayor Wynn: Thank you, linda. Let's see, walt, welcome. You too will have three minutes to be followed by jennifer gale.

Good afternoon, city council. City staff, guests and fellow citizens, my name is esquivel and although i represent north park estates in north austin as its president, I'm quite certain my views expressed before you today are shared by many americans. I stand before you to express my regarding travis county health care district. And I'm taking a little bit of a different approach. I'm integrating a few from the constitution of the united states today. The of the united states, which I hold before you today, starts with me the people. In addition to the -- in addition, the first amendment gives we the people the right to petition the government for a redress of grievances. Unfortunately, the health care district continues to ignore we the people. In 1776 and here's another history lesson for you, mayor, the declaration of independence cited king george's failure to redress the grievances in colonial petitions in a request independence. In every stage of these oppressions we have petitiond for redress in the most humble terms. Our repeated returns have had only injury. The citizens of austin have asked for humble terms. We have simply asked for a start of the clinics site selection process slated for 1210 west braker lane and that the community have a say in the decision making. Our repeated requests have been answered as they were in 1776 only by repeated injury. The public's latest concern with the district is that it has exercised legal maneuvering as its rationale for locating a on braker lane in place of sound community input. While the state constitution may allow the district to bypass city of austin zoning by virtue of the district's alleged status as a local governmental entity, steps must be taken to ensure the district's undemocratic activities are stopped. As you heard from the speaker before you, we basically had our voices silenced on election day, november 4th, when we were not allowed to address our concerns before the city of austin's zoning and platting commission. Not only will the district's activities harm the local electorate, but the activities may well harm the indigent population that the clinic is supposedly serving due to the clinic being placed in the wrong location. I know council is trying to do things right.

When I look at its org chart that I have before me -- [buzzer sounds] I just need another minute, mayor, if that's okay.

Mayor Wynn: Fair enough, but please conclude.

And I see at the top of it austin residents. I know who the city of austin is to do things right. I also know that you have funded the neighborhood ombudsman program to give the neighborhoods a little bit more input into zoning issues. The district's current legal position in which it has attempted to insulate itself from community input is offensive, unethical and a slap to the democratic process. The position of the electric tore rat is that the community should have a voice. Although legislation may knee to be introduced at the state level to ensure the tchd board of managers is elected instead of the current practice of being appointed by city council and county commissioners, north austin welcomes any proposals council may have and we look forward to working with you. Thank you.

Mayor Wynn: Thank you all. Let's see, jennifer gale, welcome back. You will have three minutes, to be followed by francoise luca.

Thank you. I concur with everything you've said. Hi. Do you know what time it is? Happy thanksgiving, austin. My opponent, mayorial opponent, lee leffingwell, councilmembers martinez and shade and morrison and cole. Thank you, mayor wynn. You did a great job, carol anne kennedy and I agree with paul robbins, let's vote on the green water treatment plant and I agree with walt, we need to look again at the hospital district moving into that neighborhood. I am asking people to look at the votes. Any voter who saw that the voting language ambiguous on one and two, one looks like it's creating an auditorship, can sue the city of austin for the 30 days after the canvassing can say nothing more about the code of law thereafter. I told environmentalists last night on the environmental board to help an environmentalist, jennifer gale, by going to sixth and congress and telling them -- washington mutual that you want to open an account there. It doesn't take any money they will credit my account with \$10 and I can use that to help the homeless. I'm asking for an ethics investigation into carol keeton rylander strayhorn based on her robot calls while not being quite a mayorial candidate. Can't spend money without appointing a treasurer. I have a list of homeless, of the dead. It's our failure here, our city council's failure that these individuals are no longer with us. And many of them are very young. They died here on the streets of austin and we had a memorial this last sunday. Cap metro gave operators to two tier contract which wiped out nearly half the bus operator and now they created another over two and a half year contract which means we're going right back to the table, or should be. That costs the people of austin during the strike jobs and goodwill for the city of austin. Californians are coming to texas after prop 8. This holiday season they will be singing ?? I'll be homo for christmas, if only in your dreams ?? I'll be home for christmas, this denies marriage rights for gaze and lesbians under our law of the united states, this means marriage between hetrosexuals is illegal sorry mike, lee and brewster. The bible says unless you're married you can have no genital contact. That means that the people of california are saying that gays and lesbians can never have sex. And that is wrong. I'm declaring hug a homo year. If you're het sexual, this is your chance. [Buzzer sounds] just quickly, the "austin american-statesman" didn't -- didn't list me whereas the austin chronicle has not, from the editor, publisher on down. Jackie goodman, I'm asking people to look at jennifer gale.com. Jackie goodman is my executive

secretary or chief of staff. I'll be speaking tuesdays at with professor of economic jeff ward. Comer tom craddick, it's for a change. There's a new president-elect in town. And remember, once you vote black, you never go back. The chuy's parade is on november 29th. There's a holiday thanksgiving meal at charlie's bar at 13th and lavaca. I'll see you all there. Thank you. Mayor thank you, jennifer. Ms. luca, welcome back. You will have three minutes, to be followed by gus pena.

Thank you. Good afternoon. I'm here to object to the site selection for the north central community clinic. And to express my concern that the community care services staff, a city department, has chosen to ignore the braker location as outside the service area boundaries that their own staff recommended for a new clinic. According to the city's website, this department's mission is to work with the community as peers with open eyes, a responsible attitude to provide the right care at the right time, at the right place. This is not happening. There has been no community input into the site selection process, and this site is not in the right place to best serve our indigent families. I urge you again to put this project on hold, to restart the site selection process for the new clinic and to hire an independent third party consultant and create a citizen's committee or taskforce to review this project. We are also asking that you tap into the knowledge and wisdom of the respected social services agencies of this city like the united way, the housing authority and the planners of our area hospitals, to discuss the city's indigent health care needs and to discuss a meaningful site selection criterion for this clinic foond future clinics. A key purpose clinics is to reduce the unnecessary hospital visits, so why aren't our area hospitals considered stakeholders in the site selection process? Why don't actual patients have a voice? There has been no real community input, and on DECEMBER 18th, THE TCHD Board of managers will make an 18-million-dollar mistake that will haunt us for the next 40 years unless you step in. We need you to make the tough decisions on our behalf. Please, call the tchd appointees. Carl richy, bobby barker, thomas copywood and rose lancaster, and ask them to put this project on hold for 90 days or until an independent can get real community input and validate the site selection criteria and the best location for a new clinic. Please make these calls this week. This is about representing the voices of our citizens, the needs of our community. And maintaining open and transparent government and achieving equity and access to health care services for all. Thank you. [Applause]

Mayor Wynn: Thank you. Welcome mr. pena. You will have three minutes, to be followed by sylvia mendoza.

Thank you, mayor, councilmembers, gus pena, native east austinite. Graduate of the formerly known austin johnston high school. Preamble to the city charter, we the citizens of austin in reference to the dignity and enrichment of all people do ordain this charter to assure economic, environmental and cultural prosperity throughout our country. That means not for some, but for all. I will preface my statement by saying let's keep austin affordable. I don't know about the weird part, but we need to keep it affordable. A lot of people are dying because they don't have affordable housing, they have food, nutritious food for senior citizens to be able to keep up their health and well-being. Our precious, two most gifted segments of our population, our senior citizens and that of the youth and children. Mayor and councilmembers, it's been many a year since I've been appearing before the elected body of city council, county commissioners court in the legislative sessions. I will say this, I'm not scared of anybody. I'm not scared of dying. I've given my peace to the lord and when he wants to take me, he will. He will

take anybody, but we have problems out there with crime. We have little gansters, little kids out there acting the fool, wanting to think that they are above the law and want to harass people, trail people, follow people and just totally act like idiots. I already have met with the chief of police, also our sheriff, and I do know they're doing something about it. I do give thanks to our motorcycle officers, all the officers running traffic at 290 and mopac. This is what happens when have you a person running two lights at 65 miles per hour. You nearly get killed. So we need to do a better job of traffic control in that air. We call it suicide alley for mayor and councilmembers, just yesterday I was travelling southbound on mopac. A public works pickup truck ran and failed to yield at a yield sign. I honked my horn, gave him plenty of notice that I had the right-of-way. The guy ignored me and signaling, without signaling the intent to change lanes, did so and nearly hit me in the front of my vehicle. I haven't cell phone to the director, howard, whatever his name is. He called me. I thank him for that. But he should have some driver safety courses and improvement for our employees another thing also we talk about the environment. A lot of city vehicles are left idling for one reason or another. Let's see if we can determine exactly if this is necessary. You're sending a lot of contaminants and emissions into the atmosphere. That's not good for the population and good for the environment. Finally, I would like to say please if anyone can, sponsor a family for thanksgiving and/or christmas. A lot of poverty. I told you last november and december, we are a recession. It's getting worse. And I will wrap up. Also, we need mentors and tutors for kids and student that are proficient and efficient for math. Please volunteer if you can. Happy thanksgiving and again I thank y'all for serving our country. God bless y'all. Happy thanksgiving.

Mayor Wynn: Thank you, mr. pena. And our final speaker is sylvia mendoza. Welcome. You too will have three minutes.

I'm here to speak to you, the city council, about the police not enforcing the ordinance of mid block crossing. I originally started working on this problem in 2005. I kept requesting for a police officer to be stationed at the corner of william cannon and bluff springs near i-35. I was directed to the district representative in my area. I spoke with him briefly. All he said was that there was not enough manpower to station someone there on a daily basis. I told him that it was a very bad area. I said that it did not need to be forever. That once pedestrians got the message, not continue to cross illegally. He said no. That he and other police officers were busy catching burglars and the like and that that was more important. I guess lives are not important. He sent someone to that area maybe once or twice in three years. I decided to go to the police officers when I saw one in my area. I would ask them, don't you see people crossing illegally? I could have just hit them with my car if I had not braked. A mother carrying groceries, pulling two children across the street. One response was, well, they are breaking the law, so it won't be your fault. I said, well, that does not matter. I cannot hit a person. I will probably get sued and if I do, my insurance will probably settle and then it will go up and I wind up paying more. A few months ago I heard police chief art acevedo say something on the news about mid block crossings. He explained it would be enforced and problem or certain areas around austin. I was happy because i figured finally my work is going to save some lives. Mid block crossing was not being enforced in my area until just this tuesday, NOVEMBER 18th. I guess they got the memo that someone was going to be here to speak to you about it today. The police may have forgotten that they are here to serve the public because they choose what duties they want to perform. Recently I have seen them go up behind cars distantly and

check to see if you have insurance and a license plate sticker because they move on to the neck vehicle. Don't get me wrong, I really appreciate that. But I'm through talking nice so let me tell you this way. I have a 35-year record november accidents. Other vehicles may have hit me, but I have hit no one. If I ruin my record, somebody is going to get sued. And on another note, just this morning I called to see if I was going to speak, and the receptionist said well, it is online. People seem to have forgotten that we are all different and some of us are not computer literate and don't own a computer. Thank you.
[Applause]

Mayor Wynn: Thank you, ms. mendoza. Council, that concludes our citizen communication segment of this week's city council meeting. Again, technically we have no more formal discussion or 00 afternoon briefings. I have been told, however, that prior to the afternoon briefing on item number 73, the rfq process for the new central library, there's a request to have some private consultation with our attorney for legal issues related to that process. So without discussion, we will go back into closed session pursuant to section 071 of the open meetings act to take up discussing legal items related to item 73, the rfq process for the new central library. I anticipate us starting our briefings as close to 00 as possible, seeing as how we have three of them, they might be somewhat lengthy. So we're now in closed session. I anticipate us coming out to open session shortly after 2:00 p.m. Thank you.

this afternoon we're going to take them in sequence that they were post on the agenda. The first one is the homestead preservation reinvestment zone. Then we'll hear about the design term rfq process for the central library. Then finally we'll hear from our live music task force. With that, council, without objection, we will go to our home instead preservation district and reinvest zone presentation, welcome margaret shaw from our neighborhood housing and community development office. Welcome, margaret.

Members of council, again, my name is margaret shaw, I'm with the neighborhood housing and community development office, I'm actually joined here by the city's cfo, leslie browder, she and i will be sharing the podium with you here today. Again we are here to speak with you, give you general background on the home instead reinvestment zone, specifically with regard to the tax increment financing legislation, specifically how to fund within the investment zone. A quick recap of the legislation. Introduced first in 2005 by state representative eddie rodriguez and amended again in 2007. The intent of the legislation is to assist low income owners and essentially central east austin remain in their homes. Property values in that area of the city are growing at a faster rate than the rest of the city, in some cases 3 to 400% over the last eight years. This legislation was intended to assist them remain in this very popular area of town. As you recall, in january of 2007, this body directed staff to go ahead and create that district. The legislation provided three major tools for our department to assist with those affordable housing initiatives. A homestead land trust, which council adopted three organizations on -- on october 16th that can receive funding. To do community land trust within the district. A homestead land bank which allows the city to operate a land bank which is for vacant land has that has been foreclosed on due to non-payment of property taxes. On october 16th city council directed staff to explore a city-wide use of that homestead land bank since there were only a handful of parcels within the district that actually qualified by the statutes legislation. And last but not least what we're here to talk about today is using texas increment financing to help fund affordable housing and requires the travis

county commissioners court to participate in walt share. The map that -- equal share. The map includes the boundary, essentially on the east side interstate 35, to the north martin luther king, manor road. To the east the airport and to the south the lake, lady bird lake. Also includes a portion of the mlk transit oriented district as well as the entire plaza saltillo district, over 6,800 parcels within that district, 464 of which were in those 's, for the city's taxable value about 1.1 billion. The staff has been working to establish tax increment financing districts to date. On october 15th we actually briefed our counterparts at the county giving them the notifications of the plan to create a tax increment financing zone. On the 16th the council adopted that and financing plan and directed staff to include both of those t.o.d.'s within the t.i.f. 's have a taxable value of about 115.6 million. On the 17th the city formally notified the other taxing jurisdictions of the intent to create a t.i.f. The county is the only parcel that has a financial commitment to the t.i.f. However by state law we must notify the austin community college, aisd as well as the health care district. We will be briefing the county commissioners on tuesday with this. And we are scheduling the other -- the other -- taxing jurisdictions in the next week. I believe that we have actually scheduled aisd for THE 24th. Today we're here to brief you. To review, we are asked to coordinate with the t.o.d. Planning efforts. I just wanted to clarify here when we create a t.i.f. With -- including the 's for the homestead district, the use of funds are strictly to support affordable housing, whereas council also asked staff from the neighborhood planning and zoning department to pursue the 's 's to support improvements. That would be a much more available for broader uses such as transit and infrastructure as well as affordable housing. That feasibility report is due back in late spring to this body. Feasibility. 's are currently included from staff's planning perspectives and any changes would require council action and also need the county agreement. With that, reviewing the preliminary project plan that the staff has created, the legislation actually stipulates very clearly what percentage the use of the funds are for by income level. So, for example, 25% of the funds collected must be used to support very low income families, at about 30% of median income. That's about \$15,000 for one person households. It also stipulates that 10% of the funds can be used for non-profits as well as in the land bank for administration and no more than 10% of the funds can be used for the t.i.f. Administration. The project plan is broadly designed to support primarily homeowners within the district. It includes acquisition, construction and renovation of properties, as well as infrastructure related to creating those affordable projects. We also wanted to highlight for you that those project costs funded through the funds would just be funded through those revenues and no debt will be issued based on those collections. With that wasn'ted to turn it over to leslie. Wanted.

We will now be reviewing with you the elements of the financing plan. Just wanted to start off this slide shows the estimated tax increment potential in the homestead preservation district and we worked with charles heimsath of capital market research to develop those projections. The total homestead preservation district, which does include the -- the transit oriented development districts as margaret mentioned would be expected to generate an increment just on the average balfour \$96 million annually and again the increment would start small and would build over time. This is just an average. And then over the 10 year life, looking at low and high ranges associated with growth in the district, we expect that that could change anywhere from 776 million to around 1.1 billion. For purposes of developing the revenue projections, which we'll share with you in a minute, we landed on a mid range. This is consistent with the approach that we took for waller creek, where we looked at aggressive growth,

conservative growth and then used an average growth to -- to project our revenues. And just using this methodology, just to give you a little bit of information on what we could expect to generate in terms 's, that would probably average around 170,000 each year and could, of course, increase depending on the type of development that -- that actually occurs in those todd. We will be looking at those in more depth as part of the station area planning effort that's underway. This just provides a little information about the homestead revenue t.i.f. Projections. When we presented general information to you on october 16th to kick-off this process, we had no yet completed looking at all of the possible revenue scenarios at that time. So we have looked at a number of different ranges of revenue, we have looked at different tax rates. Calculating an estimated effective rate. And an estimated rollback rate over the 10 year period. And then we have also looked at different growth assumptions within the t.i.f. And then finally, what we'll cover last in the financial analysis is an assessment of the impact of the t.i.f. Potentially on the city's general fund tax revenue. This slide here is just -- just lays out our mid range revenue projections and shows various increment that's would be possible to negotiate with the county. It's just for informational purposes so you can get an order of the magnitude of the types of revenue that could potentially be generated within the homestead preservation district. So at 100% increment on the annual average, which is the middle column, we could 2 million annually with about \$42 million over the 10 year time frame. And then moving down to the 30% range, annual average 3 million and would generate about \$13 million over the 10 year time frame. This is combined city and county. Just to reiterate what margaret mentioned previously. In order to become must be approved by the county. Subsequent to the city council taking action to adopt the t.i.f. And if they do approve the , then of course the total amount of t.i.f. Revenue that we contribute would need to be matched by the county as well and that increment amount will be subject to subsequent discussions between us and the county. This next slide is just a general informational slide about the impacts of 's in general, kind of a comparing and contrast on what we typically see as a compared to the homestead preservation t.i.f. Tax increment financing programs are designed to provide revitalization or reinvestment within a t.i.f. Zone. it basically creates new tax base that results from the project or projects that are being undertaken. Basically, the -- the short description of this is that property values typically increase due to improvements in the zone that are funded by the revenues generated with the -- within the t.i.f. zone. And the emphasis is usually on commercial investment. The homestead preservation district is a different kind of t.i.f. The purpose there is to create or preserve affordable housing. The emphasis is on residential versus commercial investment. And there's less potential for that annual growth in new tax base due to the annual residential appraisal limits, but again this is a different purpose and a different intent as a funding source. So it's really a different type of t.i.f. altogether. But it does have a unique matching funds requirement and this is that -- that -- that the city and county must contribute equal shares has been established. So that is a very key advantage of -- of this particular t.i.f. Moving on to the last slide before I turn it back over to margaret, we have attempted to estimate the potential impact on the city's general fund. Again, this is just a look at the city only. I'm sure as we move forward the county staff will perform their own analysis as they did during the waller creek project. The principle in play here is that tax revenue generated by new construction each year does help to cover the increased cost of delivering city services that are funded by the city's general fund. The homestead preservation , just like any other , dedicated the tax revenue that's generated from new construction in the district that would normally accrue to the general fund and dedicates that to investment within the zone. Just like the increment, any

revenue that we would forgo would start gradually and then build over time as the increment grows, so these estimates here are just again over the 10 year life, they are an annual average and that could range anywhere from about 450,000 at a 30% increment up to about 5 million with the 100% increment. So that's the financial piece. And I'll turn it over to Margaret for wrap up.

We wanted to highlight -- thank you, we wanted to highlight some of the policy considerations that are underway -- first actually what Leslie just ended with is the amount of the tax increment up for discussion between the county and city officials prior to that t.i.f. approval. Project and financing plans that are out for public comment now speaking specifically to whether and what the uses are for those funds and also the amounts and then last but not least city and county partnership during, some of those are the administrative roles of if 's were taken out at a later date, how would we do that, under what mechanisms and the definition of roles to that. I wanted to end with some of the next steps. We have briefings, as I mentioned earlier, Monday we'll be doing the Austin Independent School District's board, Tuesday morning Travis County Commissioners Court. And then we're due to do the Austin Community College on the first of December. We will still be working with the health care district to schedule theirs. We tentatively plan to come back to this body for the public hearing and action on December 18th and that leaves for county action either December 23rd or December 30th for Commissioners Court to take action. As we have reiterated the statute requires that the county must match the city's participation level in order to create the t.i.f. If the city and county both increment by the 31st of this year, the current values will be the base year. If it is adopted in 2009, then 2009 becomes the base year for capitollations under the t.i.f. Calculations under the t.i.f. With that ends our formal presentation, we will be happy to answer any questions that y'all may have.

Mayor Wynn: Thank you Margaret, Leslie. Questions for staff, council, comments? Councilmember Martinez?

Martinez: Thank you, Mayor, Margaret, Leslie, thank you so much. I know you guys have been working on this, along with snipes, I appreciate all of this work to get this up and going before the end of this year. I know it hasn't been easy, also that the economy has changed a little bit since we started talking about this legislation five years ago. Actually probably gone back to as bad as it was five years ago. But the bottom line is I think affordable housing and what the Homestead Preservation District does and will do is more important than ever now. Preserving affordability in the core of Austin. The legislation was drafted specifically so that the neighborhoods that it impacted had to be adjacent to a central business district. Because what we saw in urban city after urban city is the flight of those folks who had traditionally lived in the urban core being pushed further out and further out and that becoming more and more expensive and being taxed out of their neighborhoods. So I think more than ever we certainly need to get this up and running. Off the ground. I appreciate all of your work. I wanted to ask a couple of questions, though, on slide -- I can't remember which slide it was. But it spoke about the percentage of a t.i.f. I think it's slide 7. What I wanted to clarify, though, is when we go to the county and we ask them to, we're not asking them to match 50% for 50%, are we? Or are we asking them to match dollar amount for dollar amount?

The way the legislation reads is dollar amount for dollar amount.

So we could be at a different percentage level than the county. It's strictly about -- about if we're going to invest, you know -- if we invest 30%, what did you guys say we would come up with annually?

About 1.3 million. That's an estimate assuming it would be roughly equal.

If we do 30% to get to 3 million, the county is probably going to have to do more than 30% because their taxing structure is different.

Possibly, yes.

I just want to make sure that we clarified that. I want to make sure that the county understands that when we present to them. Which I appreciate you guys -- I thought that I was under the understanding that -- that councilmember morrison and I were going to go with you on tuesday to commissioners court and do a presentation, but I hadn't heard back from you guys. Anyway, I'm glad to go down there tuesday and participate in that and i will be there because I want them to understand exactly what it is that we're asking of them and not that -- not just because their percentage of commitment may be higher than ours, the statute actually requires a dollar for dollar match. So it's an equal amount. I don't want them to be confused by that in that they may -- the perception may be that we are committing more than you are as the city of austin, obviously that's not true.

Member, when we review the legislation, it's actually a staff briefing. So that's why we will be giving the staff briefing, but we do expect there to be some conversations between you and the members of the commissioners court.

Martinez: Great. So will -- will councilmember morrison and i be there as part of that presentation.

No, sir, the administrative law is that staff would do that briefing. So we look forward to having y'all's conversations with them outside of that briefing.

Martinez: All right.

But we will certainly make the point of the difference between the dollar amount and the percentage.

Martinez: Sure. I will be there on tuesday anyway, so hopefully.

Sure.

Martinez: One of the commissioners will recognize us to say a few words.

Oh, sure.

Martinez: Thank you.

Mayor Wynn: Further questions, comments? Of staff? Council? All right. Leslie, Margaret, thank you all very much.

Thank you.

Mayor Wynn: Look forward to the progress. So council that takes us then to our second briefing, item 73, which is a briefing on the design team rfq process for the new central library and staff's recommendation. We will give staff a minute or so to set up. Welcome.

Thank you, Mayor, good afternoon, Bert Lambraras assistant city manager over community services. Thank you for this opportunity to giving the staff a -- the privilege of being able to presents to you the design team request for qualifications process and also talk about the staff's recommendation for our new central library, we are very excited about this project. As you know, this project will involve a new 250,000 square foot central library on our Seaholm property. Significant improvement from the current 110,000 square foot central library. Let me start off with a review of the four phases of our process, I will detail format discuss each of the phases for you. The first is the request for qualifications and scoring that went into this. Just to give you a quick note, this was a modified city of Austin request for qualifications process whereby team qualifications were requested and evaluated and then scored by design team selection committee composed of city of Austin staff. Staff are chosen in particular for these panels because, you know, through our code of conduct and personal policies, we certainly have the ability to require that our employees perform specific tasks and then we are able to align staff with specific technical competencies that certainly look out for the best interests of the city and the citizens in mind. They also -- we go through a process where -- where the city's ethics policy applies to our employees. You know, where it lays out strict requirements for reporting and disposition of conflicts of interest and overall performance of city duties. From this evaluation, a short list of design teams were selected and invited to participate in -- in what we would term as phase 2. In phase 2, of course, includes interviews and presentations. In this particular phase, design teams were invited to make a presentation and interview with the selection committee for this phase we also added some additional personnel. To participate as advisors. Presentations in essence were led by the design team's architect. The project manager. And they addressed specific issues that covered about three or four different areas. One was the team's prior experience. We particularly wanted to know what experience they brought to the table. The design philosophy. Kind of the work plan, how they were going to approach the design of the new central library. And then also talking about traditional and multi-media presentation methods that they proposed for communicating the project design to the public, the city staff and certainly to -- to all of our officials, including yourself. And then the -- the third one was their past experience with the community. In other words, community involvement during the design phase of services. So based upon these presentations and interviews, the selection committee would designate up to three design teams to be able to to participate in the next phase. The third phase was of course the city council presentations. The designated design teams were asked to repeat their presentations that they completed in phase 2 in a more abbreviated fashion. Those of course were held before this body in a regularly scheduled city council meeting. Obviously included a Q and A, a question and answer

session as well. And then following the presentations, what we did is we -- we allowed the materials, the presentation materials to be made available to the public for the public to inspect them and certainly provide us some feedback. And at the present stage that we're at is the city council in consideration of -- of the selecting the design team, which is scheduled at approximately two weeks from now, for DECEMBER THE 11th. That's currently pending, of course. In terms of the rfq process and how the evaluation panel was proposed let me first state or provide you the texas government code that we try to adhere. In procuring the architectural services, a governmental entity shall first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications. So that's kind of been our guide in -- in being able to develop this process. Of course this being a real key project for us, we are holding the new library to a very much a high standard. The central library consultant selection process followed the standard process with respect to the composition and education of the evaluation panel. Let me talk a little bit about this. For instance, the panel that -- that was approved, was approved by directors. Again, with -- with looking at particular folks that had -- serve critical functions in our organization, had particular technical expertise, additionally all panels were reviewed by the director of smbr. The panels were also diverse in terms of gender and ethnicity as well as diverse in their job functions. Panel members were also required to sign confidentiality and non-disclosure agreements. Again real critical aspect to maintain the integrity of the project. In addition, staff had to go through very specific training. 8 Hours of ethics training led by the city's integrity office and -- officer and the contract procurement division manager. Also they receive specific instruction on the evaluation process as well. The evaluation matrix for the new central library included a specific focus on four key individuals from the design team. The individual that we looked at were the project principal, the project manager, the project architect and the central library consultant. In most cases in the past we generally focus on three, but in this case we felt it was important to look at these four individuals. Based on the criteria, it is possible for a design team to score 100 points. That's the maximum number of points. This project used slightly modified criteria, authorized specifically for this project by the city council back in march of 2008 where we made adjustments to the allocation for some of the criteria. One of the things that we recognized early on is the importance of the design team's experience in working in austin. And certainly working with the citizens of austin, so -- so for this project only it was recommended that we adjust the allocations to make the team's experience with austin issues and the city of austin's experience with the prime firm as higher point values. Those were the two investments that we made. Adjustments that we made. Let me review in -- in individually each criteria consideration in detail. The first consideration was the m.b.e./w.b.e. Procurement program. Five firms were initially eliminated because of non-compliance with this program. As part of this specific review, what we do is review the firms' compliance plan. In other words did they propose a team that would meet the goal of the solicitation. If not, did they document their good faith efforts to meet those goals? And as I stated, five of them did not and they were eliminated right off the bat. Under the second consideration, firms are required to certify that they are in compliance with federal equal employment opportunity requirements. It's important to note that all of the respondents complied with this requirement. So those were a couple of what we would consider gate keeper criteria that we used initially. In looking at some of the additional evaluation criteria, specially 3, the city was interested in the experience of the project manager, the project principle, the project architect and the central library consultant on projects similar to the project that we were looking for. Principal. The consideration would take into account the following: For

example the prime consultant was employed, the project manager and the project principal. Another thing is that we looked at was the project manager or the architect must be registered as an architect in the state of texas at the time of submittal. One other important criteria is that we asked the teams to list no more than five projects, meeting these criteria, which have been completed in the past 10 years. And we looked at projects that each individual were directly involved in. So that was part of our consideration. Under number 4, experience and availability of proposed staff, this one carried maximum of 15 points. The prime firm and the subconsultants must have adequate and experienced current staff. This would include professionals that are registered in applicable fields and different types of technicians that would be involved in this project. And obviously they would need to be able to competently and efficiently perform the work. We assess that and looked at the prime firm and subconsultants. They must be able to commit the staff proposed in this submittal and be available for the duration of the project. We also had an opportunity to -- to visit the team's business addresses on a regular basis to follow the progress of the work. That's also real important to make sure that they are sticking to their -- their project plan. The proposed staff that we must include the following as well, experienced in sustainably design -- sustainably design and capable of designing and managing the project during construction to provide a facility that not only we can all be proud of but also that meets certain certification requirements. For example in this proposal what we asked for is that they meet the silver level certification under the leadership and energy and environmental design green building rating system. So that was certainly something we were looking for. Under number 5, this one carried about 12 points, maximum if -- if subconsultants are used, otherwise we would consider 27 points. Under this consideration we looked at, for example, the prime firm's history and success with projects of similar programs, budgets and other clients as our project. In addition we were asked to provide no more than five projects, that they have been able to complete in the last five years. Also we take into consideration the history of the firm, complying with the different programs and schedules and budgets as well. Under consideration 5 a, in this area we looked at the prime firm's expertise in design. Of course, this is a real critical for us. Teams were to submit a representative sampling specifically in a two dimensional format of designs completed by the prime firm in the past five years. In addition also required to provide project names and basic information regarding location, date of construction, name of design team members and then the scope of -- of 3 specific projects. Under the next consideration, this one carried -- carried some points as well. The city was interested in the subconsultant's history. Particularly their history and success with projects similar to ours. Again the teams were asked to list no more than three projects, meeting this criteria that they have been able to complete in the last five years. In addition similar to what we have looked at, other considerations looking at their history, how they have been able to stay within their project program schedules and budget as well. The next consideration involves the team's experience with austin issues. This one carries a 12 points maximum. What the city reviewed in this particular case, not only looked at the overall team but the actual subconsultants. We looked at their experience with austin issues and in particular as maybe evidenced by the existence of local offices or work in -- in the austin area, particularly in the last five years. Teams were to briefly transcribe their experience in the following areas and then reference projects that they related to that experience as well. For example the city of austin site development and/or building permit requirements. Austin environmental community, conditions and constraints, public awareness and involvement, effort they undertook in being able to

involve the public in project development, the knowledge of cultural diversity of the community, knowledge of austin's emerging architectural style and then certainly their knowledge of downtown issues and requirements as well. Under the team structure and project approach, in this we looked at the overall organizational structure of the team. In other words did they have a real good understanding of the project issues? We wanted to know what their overall approach to the project was. Essence to identify leadership, reporting, how they would interface with our project managers and library department and staff and how the subconsultants will work within the management structure. The teams were to describe any significant project issues and how their team approach would address those issues. That was consideration number 8. Number 9 carried a maximum of 7 points. In this the city looked at the history of complying with project programs and schedules and budget specific to city of austin projects. Essentially we started with scoring at 7 points, deducted accordingly if they had any experiences with the prime firm in the past with the city and then also performance on -- on specific city projects. Some of the things that we looked at were, were they timely in the completion of their projects, was there a prompt payment of the subconsultant at all levels. Was there a compliance with the city ordinances that they make efforts to provide contracting opportunities for small businesses. M/w.b.e.'s and so forth. Then compliance with city standards and especially conforming to -- essentially conforming to city budget requirements. We also conducted from reference checks in each firm listed project references and we spent an amount of time being able to look at references. We contacted them. Gathered information to verify the firm's experience and performance. Some of the questions that we asked included was there a significant amount of public input process for your project? How did the consultants handle it? What were the most successful design elements, what were some of the least successful, how well did the project stay within the approved budget, were there any maintain or infrastructure concerns that came up at the -- since the completion of the project and then one important question is would you hire the firm again? And of course this information was -- was shared with the evaluation panel as part of the scoring process for phase 2. In this next slide entitled phase 1 results, these were the results after the evaluation of all of the considerations that i just went through in phase 1. The results were the total of all of the scores and in essence what we did is we averaged for each consideration item over all of the panel members. If you look to the far right, the one entitled subtotal, the subtotal is a score of each firm through phase 1 and the number under each individual evaluation items is a scoring rank with respect to the other firms. As you can see staff's ultimate recommendation, barnes, they scored five points ahead of the next ranked firm. In addition, they consistently ranked higher than the other firms on each evaluation item. More specifically, they ranked first or second on all items, particularly ranking first on six of eight criteria and then second on the remaining two criteria. And one other note, no other firms as consistently ranked as bjk in that respect. The solicitation documents outline initially that approximately five firms would be selected for interviews. However, if you will note, in here, when you look at number 5 and number 6, upon review of the scores for phase 1, the panel recommended inviting six firms for interviews, if you will note again there's less than a point difference between number 5 and number 6, we went ahead and brought forward six firms. Again this process of selecting firms for the interview phase is consistent with our standard practice for evaluating consultants. During phase 2, this is a structured two part interview process. Part 1 was a formal presentation and what the teams were asked to cover was their prior experience, their design philosophy and work plan. Also the presentation methods proposed by -- for communicating the project

design and of course their past experience with community involvement. The second part of the interview process was a question and answer session with the panel where there were preestablished questions and we assigned points accordingly. They were limited in the amount of time that they could do their structured presentations. They also had a certain amount of time that we allotted for the q and a piece as well. Then we invited up to an 8 -- 8 attendees that they could participate in this process. As we go to phase 2 results, after the phase 2 selection -- section of the process, the results tallied looked like this. Final interview scores are an average of the individual panel member scores for each firm. What you will note is bgk's 5 point lead over the next ranked firm remained strong. Three finalists recommended for phase 3 which again phase 3 is the council presentation, scored significantly higher than the other three firms. I do want to make a special note here that the finalist performance at the council presentation and public comments were not factored into the staff's ultimate recommendation. Council presentations, the top three firms again based on results of one and two phases, were selected as a finalist. Of course the way we did this is consistent of a formal presentation to the council as i mentioned before, conducted those on october the 23rd of 2008. It was a condensed presentation. After the cowboy presentation the materials were made available for public review and comment. I will note that we did receive about 500 responses to citizens interested in this library. And commenting on the presentations themselves. As we looked at the common themes of citizen input. Of course 500 is a lot of responses, but in general some of the major themes from the comments received were the importance of iconic landmark architecture, importance of a high profile site in the ongoing development of downtown austin. The importance of sustainability in design and construction of the building. Emphasis on community involvement. The need for adequate parking and easy access for public transportation and then of course a need for a building that utilizes natural lighting. Mayor and council, staff's recommendation for award of this project is barnes, gromaszky kosarek and taniguchi, it is based on the standard methodology. Overall they had the highest for phases one and two. Ranked first on 80% of the individual consideration items and second on the remaining 20%. There was a 5 point spread between bgk and the next highest ranked firm. That was in particular for phase one. This was also maintained through phase 2 which were the interviews, all of the three finalists in actuality performed very well and bgk's experience, qualifications and reputation were -- were actually substantiated through positive reference checks. So -- so our staff recommendation is for bgk. The key considerations leading to this staff recommendation are as first one is that the prime firm's design success with comparable projects in -- there's some local ones such as the palm he events center and the lcra emergency operations center really stood out. In addition the exceptional experience of the central library consultant was a big consideration. Of special note, I would mention that the library consultant was able to produce two of the nation's largest libraries in the country, los angeles and cleveland. The team's roach for incorporating public -- approach for incorporating public input into the design will be found out in the reference checks in the background checks was that they partnered very closely with their clients and they always maintained their clients goals at the forefront of their work every day. Lastly, they have the most qualified team of subconsultants where each of the team members we feel are very committed to ensuring the success of this project, of special note I will mention that they have for example -- they have mechanical, electrical plumbing engineer subs that are considered to be some of the best in the field. They work with projects like for example the seattle central library, salt lake city central library and then locally they worked on the blanton museum at u.t.

Then one other thing that they added which we thought was a nice twist to their proposal was that they added a food service design group for our cafe, which was something that we didn't specifically ask for, but they felt it important to include in their proposal. So just to kind of wrap it up, mayor. This is the next slide kind of gives you an idea of our next steps. Our attentive time line would be we would bring this item back for your consideration at the next city council meeting scheduled for december the 11th. We hope to kick-off the contract that week and then shortly thereafter start negotiations as soon as possible. We expect to have hopefully the contract executed by may of 2009. So, mayor, council, that concludes the staff's presentation.

Mayor Wynn: Thank you, bert. lombreras, regarding the upcoming schedule then, hopefully we will have an architect firm under contract by next spring, when can the public expect to start to see the schematic, very preliminary design thoughts about the library?

Let me ask john gill yam our facilities manager to try to address that for you.

Welcome, john. Mayor, councilmembers, city manager, we intend to start the public input process to the design, just as soon as the -- the consultant team is under contract. That's not projected for may. We will immediately start a series of -- of design charettes with all of the stakeholder groups and hold them throughout the city as well as downtown since this library will serve the entire community. So as soon as they put their signature on the contract, that's what the library will start holding.

Mayor Wynn: Thank you. Further questions of staff, council? Comments? I think we actually have some additional sort of feedback we're going to get. My understanding is that the -- that the austin public library foundation, apl as many of us know them, wanted to give us sort of an update on their work as a quick reminder to folks one of the concepts that we had to think through, struggle with as we years ago sort of proposing a new, bigger, more expensive but much better downtown central library for our library system is the whole concept of well a bigger more expensive better central library likely will cost more annually to operate. And what we didn't want to do is cannibalize the modest budget that we already have in the existing library system. So we looked at what might be that increment of operating expense with the much larger new central library. So we have actually went through a lot of -- a lot of math to come up with what that number might be. And then we figure out how can we go fund that as to assure that we don't cannibalize the existing library project. When we sold the block across the street referred to as block 21, we had a capital gains of about \$15 million on that land scale now going to among other things hold the austin city limit theater. We set aside two third of those capital gains or right at \$10 million into an interest bearing account. The concept is that we started thinking about the return that would generate and then we approached the apl, or they probably approached us frankly, and offered to work sort of philanthropyally with us and the community to match that interest income off of that public endowment. So we actually have a structured agreement between the city and apl foundation for that purpose and others. So I thought it would be appropriate for the foundation to sort of remind us about that agreement and let us know that there's a partner in this effort to deliver a truly renowned central library and have it not come at the expense for the rest of our system. With that I will turn the podium over to the public library foundation.

Good afternoon, mayor, city manager, council, my name is theresa [indiscernible] I'm the president of the austin public library foundation. Thanks for giving us the opportunity to come today to briefly talk about how we think we can be a significant help to city. In getting the new central library that we think we deserve. The first thing is that we're now taking fundraising on as the primary focus. A little bit of history, brenda branch, the director of libraries for the austin city conceived of idea of a foundation in 1996 to create a 501 c 3 pass through to enhance library programming in the system, one such grant that we are especially proud of is the wired for youth program which was a collaboration of ours and the library to get a grant from the dell foundation which funded the -- the quipping and staffing of -- of computer centers in -- in at least 10 branches throughout the library system. Of course, that allowed many austinites who otherwise would not have had ready access to computers to partake more fully in the digital age. The foundation also worked obviously for the passage of the bond election that brings us here today. But now the foundation efforts are being trained on -- on fundraising for the new central library. And tim stayly our executive director will talk in a little more detail on that in just a second. But I wanted to say that tim and I have already had encouraging conversations with potential donors throughout the community. To a person the number one thing they are excited about is getting a great architect for inspiring building. You think about it. I think everyone is on the same page about this being once in our lifetime opportunity to have a civic building that's more than a civic building. After all it will be providing culture, communication, literature, art, information, drama, music, everything to our citizens of austin. No matter their zip code, no matter their income tax bracket free of charge. That's the library. We're so proud to be working towards that with you. I just want to say in closing we appreciate the time and effort it takes to make this decision on the architect. And it's not easy. I know there's so many things to keep in mind. But please know that you have whoever the winner is in this architecture team choice they will have the full support, enthusiastic, heartfelt support of the library foundation and now I'll turn it over to tim, thank you.

Thank you, theresa, welcome, mr. stayly.

Thank you, mayor wynn, thank to you the entire council and city manager ott for having us here today. The libraries have been around now for about 2,000 years, give or take. In spite of rapidly advancing technology their value as a source of -- of knowledge and information for communities is as important now as it's ever been. In fact the downtown central library over the last 10 or 15 years has experienced a renaissance in america. Cities across the country, seattle, phoenix, salt lake city, jackson village, nashville, san antonio, marijuana others have built new central libraries that have redefined the role of the library in 21st century america. In the austin public library foundation is very excited to be able to play a role in creating a new central library for austin. As mayor wynn mentioned one of our charges is to -- to address the operational costs, so -- which we are partnering with the city on in that agreement that the mayor explained. Above and beyond the operational costs, what the foundation sets out to do is to -- to help with enhancements, building enhancements, ways of improving the building through -- through landscape features, furnishings and other ways that we don't know yet. In fact that's going to be one of the fun and exciting ways that we're going to be involved in this project. We look forward to working with brenda branch and her staff, working with the selected designer. Most importantly, working with the community to figure out what we can do to make this a great central library. What can we do to make this library uniquely suited to the needs of austin. As theresa mentioned we have begun our effort

by visiting with members of the community and the response has been very favorable and very positive. People are very excited about this project. They recognize what a new central library can bring to the community. What its function can be. But in addition to the function, people are as equally as excited as -- about the form of the library. What is the thing going to look like? Because austinites know, they know that this isn't going to be just another building. This is our library. This will be a symbol, a statement, about who we are as a city. Our spirit, our character. Devising a design that can accomplish that complex and challenging but a brilliant design can accomplish that. That is the significance of this decision. On behalf of the austin public library foundation, i ask that you on december 11th please keep in mind the significance of the decision, the enduring value of the decision and the image that will reverberate throughout austin's history for the next century. Many generations of austin will appreciate your consideration.

As a quick commercial, how can folks get involved with the foundation, website perhaps.

www.austinlibrary.org.

Mayor Wynn: www.austinlibrary.org, Great. Thank you, mr. stailey? Questions for staff, comments? Our process of late, what we're doing -- we have a briefing one council meeting and then try to post action for usually the next council meeting. Really just to give time for everybody to sit back, absorb all of the information, get even more feedback from the public before the decision is made. So we will be posting for action that is choosing the architect firm on thursday, DECEMBER 11th, WHICH IS Our next council meeting. Even though we've had a relatively structured format to receive public comment on that choice, I encourage you, if you have an opinion to still feel free to contact my office or my colleague's offices to continue to -- to give us that feedback because it is an important decision. We are taking it very seriously. We're taking such a lengthy time and structured process to make that choice. Thank you all very much. Council, that leaves us with our final afternoon briefing of the day, looks like everybody but elvis is in the building. [Laughter] [applause] this will be our live music task force meeting. Councilmember martinez has promised not to pull out his trumpet and do his best tomas impression. We want to thank the council colleagues who supported the original resolution technically co-sponsored by councilmembers cole and martinez and myself, but fundamentally had full support of the council to go through this -- this process, this format, try to be as disciplined as we can to get as much information as we can, to get as much opportunity for folks to volunteer their time, effort, expertise to help fundamentally a task force come back to the city council with a series of recommendations that we can then continue to -- to dialogue, debate, hopefully move forward with. Also a big personal thank you to my chief of staff, rich bailey, over here on the side. [Applause] rich spent a lot of time and effort -- [applause] also, many of you know long time staffer jim butler who has been serving over the years as our music person. [Applause] and I shouldn't start naming names because I will forget some of them, leaving them off, of course council aides, to councilmembers, spent a lot of time trying to make sure we kept up to speed on what has been a remarkable amount of time, effort, heart burn put in by a lot of folks to help us get to where we are. With that I would like to turn this over to our task force chair. Thank you, paul.

Thank you. I would also like to thank mayor for creating this. This is a tremendous opportunity and a lot

of folks in the industry have said it's about time. We felt some grumbling for some time and I can't thank enough your support, mr. butler, have been involved and been at every meeting, every closed door session. It's been quite impressive, the work, the sleeves that are rolled up by all of these guys and the music community. This is -- this is pretty impressive turnout and applaud yourself for being a part of this process. [Applause] okay. So -- so you have the report that we put together there in front of you. The minutia I'm not going to go over today. I will cover in broad strokes the substance of our recommendations coming out of the four subcommittees. I will also cover some overarching recommendations that we made. But for the most part, the -- the human element, the community element of what we found out over the last eight or nine months is what we're going to talk about. And then we have some time at the end that will be pretty quick for some questions, the task force is here to answer those. So the -- so the -- our assessment as we kind of tried to wrap our minds around this thing, what we call live music, we try to make a good step back and look at where we have been as a city. Where we are now. And where we would like to go. Where we have been has been pretty enlightening. We didn't realize how much of a fabric of this city this thing called live music is. It started out our inception waller was sent down here to build this city. The second building he put up with was bullock's tavern, live music venue at pecan and congress. Before the citizenry moved in we had a live music venue to entertain the folks building this city. Not evolved. This thing called live music evolved through the turn of the century. A radio station known was created that started to get some national attention. So this quirk, this music thing started to raise some eyebrows nationally down here in austin, texas, we this thing going on. Fast forward through the 20s AND 30s, MUSIC EVOLVED Quite a bit. We had in the '40s an which is unheard of in the south. That -- that started this counter culture of music. This man, lavita durst fostered this thing we call live music. Mainly on an underground level. Then that involved. As the pop 40 radio station developed, we saw a landmark moment in 1955, cactus pryor had a show on ktbc, 12-year-old eddie wilson was asked if he was crazy about the andrews sisters singing blueberry hill. He said no I'm listening to lavita durst and fats domino. So our counter cultured started. This thing we call live music had grown. Through the '60s, an icon nick venue, vulcan gas theater created. Four elevators, head band, this thing we call live music was raising more eyebrows. The substance of what we all kind of think of live music really started to present ITSELF IN THE 70s WITH THE Armadillo world headquarters and willie nelson ex-patriotating from nashville and coming here and starting the fusion and the polarity that we saw between underground and mainstream music fused. We saw the fusion of the red necks and -- and the -- and the cowboys. At the armadillo world headquarters. And this thing we call live music was now a big part of the city. As the '80's came and sixth street evolved into a major national iconic presentation of all genres, ska, rock, blues, punk, reggae, new wave, we were now a live music city. In fact in 1991, you our city council adopted a resolution that's pretty fantastic, pretty telling of where we were in 1991. In 1991 we were the live music capital of the world. If you read this resolution it says whereas the city of austin is indisputably the live music capital of the world. There are hundreds of venues that offer live music on a regular basis. Whereas austin's music diversity is legendary, encompassing all conceivable styles of music. Whereas austin's live music venues serve as a major cornerstone for austin's tourism, hotel and convention business. Whereas austin achieved international recognition for its live music industry. At that particular moment in 1991, we were the live music capital of the world. Something happened between 1991 and today. And depending on who you talk to, the music that evolved or devolved. We have major cornerstones, south-

by-southwest, acl, that's true, they are thriving. But there's 50 other weeks of the year. There are many struggling bands. What we didn't do in 1991, we gave tremendous lip service to recognizing this being the live music community. But we did not put a plan into place. So that's why we're here today. Things changed between 1991 and today. By the way, we had this artistic growth for a few decades, we tried to monetize. We had a commerce growth. What we didn't do was foster that creativity. Protect it. Grow it. That creative element of our society that creates music. We didn't put a plan to protect it. So -- so now here where people use the phrase the live music capital of the world it's tongue in cheek. We are not as proud of that moniker as we were in 1991. We have seen over the course of the past 15 or 20 years, venues closed down. I have closed down two. We've watched musicians migrate instead of this being the hub, we have watched them go to nashville, seattle, chicago, new york, l.a. We have seen downtown prices force out venues and arguably one of the ropes why downtown was the -- one of the reasons why downtown was the hub, rents were so cheap, it was so easy to do live music downtown. That's no longer the case. That's why we are here today to talk about what happened between 91 and today, where we think that we need to go. A plan we have put in place. We have worked hard for eight or nine months to do this. And -- and we did two things. You gave us a very specific charge to look at four things that are plaguing us. We put a lot of time into that, we put an equal time in the future for making a plan of how we grow in industry. That is the bottom line. It's not only do we need to address these issues, sound, entertainment districts, venue sustainability, musician services but we need a plan to build an industry. Our task force was quite eclectic. We did a good job of picking a cross-section of us. There's musicians, neighborhood representatives, city officials, lobbyists, den venueowners. It wasn't easy for us to meet and get our work done. But we did it. This particular slide shows at that time in 2005 we had one billion dollars of revenue for live music. 19,000 Jobs. \$25 Million of city tax revenue. This is without a real industry. This is -- this is organic. If we built something, if we draw an industry here, there's ever reason to believe that these numbers will increase. So what I'm going to do now is -- I'm going to turn this over to our four subcommittees, they're going to give a brief presentation of what they have done and then we're going to come back and talk about these overarching things, what we want and conclude and answer any questions that you might have. [One moment please for change in captioners] .. that both musicians and people involved in the music industry and the city can promote a type of district that would draw people downtown where we could foster live music that's probably more appropriate than outside of neighborhoods. We looked at an issue from two different perspectives. We thought that a downtown super district ought to be created. There are two specific districts within sound, the warehouse district and the sixth street district. What we are thinking here is we would create a sort of big picture map, not as hard and fast rules but as an area we thought encompassed most of the live venues downtown for council to consider. We felt like our charge is sort of think big and to, you know, think about all the areas downtown where there were live music that the very specific recommendations with respect to downtown entertainment district ought to be accessible to all those venues. The second part that we considered were we have all of these areas outside of downtown that do foster live music. Some do a really good job of clustering and not around neighborhoods and others were located adjacent to neighborhoods and we felt there needed to be more special consideration to those types of clusters. We thought that we should foster some of the things in appropriate places. We gave some very broad, again, recommendations as to what they ought to look like and how we think they could be successful but didn't identify any areas we thought needed to be because we thought that was a

decision best left to council. We have stand-alone venues that aren't next to any other venues and, you know, those are an altogether separate consideration. The one thing we really wanted to stress is we are pretty sensitive to the fact there is a lot of planning going on at the city. We have a downtown master plan in progress. There's a downtown arts plan already. The -- you know, has already finished their recommendations as well and waller creek is getting underway as well and we thought that whatever -- whatever happens with respect to the live music task force recommendations they ought to be folded into these other plans that provide a modicum of consistency. That's pretty much all we have. You can look through all of the very specific things that deal, you know, with everything from parking to busing to loading and unloading and sound attenuation and that sort of thing. You know, we can answer any questions later.

Mayor Wynn: Great. Bobby.

Council, thank you for your time today. I'm james moody with the venue subcommittee. I worked with steve at the continental club and charles at stubs, paula and i represent the [inaudible] downtown. And what we did was we sat down with venue owners across the city. When you look at paul's presentation, you see how much great venues are a part of our history and if done right they incubators cubicles. So we wanted to make sure they were operating the way they should be but also prepare protected for the long term to sort of support what we're suggesting in the overafternoon recommendations across the task force. So when we sat down with venue owners across the city we actually conducted a survey and we just looked at the economics, or primarily looked at the economics first of what it takes to do this and do it right. And what the burdens were on live music venues. We learned a lot. First and foremost, we realized that we wanted to define a live music venue and work with a central music office here at the city to identify which live music venues would qualify for potential incentives and offer those incentives to live music venues in the form of where the city has control to help. Some of it could be with utilities, with making sure venues are efficient, with tax burden, city fees, there's a number of opportunities we found. Even -- even fast tracking development plans as we've seen some venues need to retroactively consider sound and soundproofing and coordination with our dramatic downtown growth. Assistance there would be critical and something for the city to provide. And we found in talking with venue owners and stakeholders that these are all welcome recommendations. If you can go to the next slide, please. Use of certified sound engineers was also something that came up that we thought is a fantastic solution to bring and promote more professionalism to the way we deliver live music in indoor and outdoor venues. Construction best practices for venues, I think we learned a lot at presentations from the way austin music hall and 360 have worked together in their development downtown the way gray star have worked together and sat at the same table and discussed what it looks like to work together as a downtown residence and downtown live music venue. So we want to encourage and promote more of that. Looking at energy costs, city fees and assistance with tax burden I think are things that are within our reach and if these venues can fiscally grow and be responsible, then i think we're doing what we need to be doing for musicians in terms of their ability to continue to work. So that's the overarching recommendations you see in the details and report. Now I'll hand it to our musicians subcommittee.

Mayor Wynn: Thank you, james. Dave, welcome.

Thank you, mayor, councilmembers and city manager. We had a subcommittee that dealt with musician services where we looked at some fundamental human needs such as affordable housing, health care, health insurance, and then some business needs like loans to startup businesses, education loans. In order to gather information, we first sent out e-mails to people that we knew in the music community to ask for their -- what their concerns were and then we used the feedback that we got to construct an online survey that we had up for about six weeks. We got over 500 responses to that online survey. About 350 were from musicians. Others were from people who are in the music industry such as the club owners and people that work in the clubs, et cetera. But we were able to see from that online survey that people were overwhelmingly unsatisfied with their opportunities for affordable housing in the city and for health care. I think the big surprise to many of us was that the number one concern that musicians had was parking. In doing business, in loading and unloading equipment and being able to get to and from the venues in order to get from a day job to an evening job, parking was the number one concern. So anyway, we did foster a series of recommendations in all of these subject areas of the housing, affordable housing, health care, health insurance and parking, also business services such as helping people get connected to loans for business and education. Now, the main -- there's really two main avenues of help. One is actual fiscal help, ie giving money to the help line austin musicians or to the foundation which we think recommend specifically doing. That also we recommend though building a data store house, a warehouse of information so people who want to get connected to health insurance or health care or affordable housing can reach a city office like a 311 number, an online database that is specifically geared towards people in the music and arts community so they can get those resources. Similarly, get connected with loans for businesses or education. So you will see all of our specific recommendations throughout here. We will also attach to our final report a synthesis that the foundation did. They did a statistical summary that I earlier hit some of the high points about, but they also looked at the individual comments that people gave. And there are some very searing comments that people -- searing criticism that people have leveled against the city for our willingness to help and the fact some of the changes that have occurred in the last few years have occurred. I want just offer to you that the reason for doing this, the reason for helping people in the music community is important in and of itself. But if you are a student of urban planning the way I am, you understand that growth in the 21st century for cities is predicated on three t's. This comes from rich lard florida's growth of the creative class. Tolerance, talent, and following talent is technology. We have in this room right notice the talent and we need to keep it intact so that in the future we will attract more good employers. So separate and apart, in and of itself from protecting music we need to do this for the good of the city. We have one more subcommittee to hear from and that's brandon about the sound enforcement.

[Applause]

Mayor Wynn: Thank you, dave. mayor, members of council, I'm brandon and it is my pleasure to serve on the sound control and enforcement subcommittee. The recommendations that the subcommittee and that the task force ultimately adopt can be found on pa 11 through 14 of your report. There are a total of 11 recommendations that came out of the south enforcement and control subcommittee. Four that I would like to bring to your attention. Under the heading of human resources, the task force recommends that the council consider creating a staff position here at city hall that would be responsible for sound issues in the city. In addition a neighborhood ombudsman that works with hot spots or problem spots

throughout the city regarding sound. Very specifically, the sound committee recommended that we establish here at the city a certified sound engineer program. More quality sound engineers and more trained individuals working the sound boards at the clubs and especially the outdoor clubs we hope will go a long way to fixing some of the problems that we heard about throughout this process. Under the heading of complaints, the task force respectfully recommends that the council consider streamlining the complaint process here at the city. We want to give aggrieved citizens more direct access to a solution and in that spirit we recommend moving the complaint process from a.p.d. To pace. Under the heading of improved process and notice to the citizens, the subcommittee recommends that we move the permit process to the newly created music department, and most importantly that in certain circumstances property owners near an applicant be given notice of an application that's been filed. Specifically, property owners within 600 feet of a zoning classification sf-6 be given notice about any application that's filed for an outdoor music permit. And last but not least, the subcommittee and the task force ultimately adopted a recommendation to increase the penalties regarding sound violations. Tougher sanctions, in particular on violations that occur within 600 feet or more of sf-6. A mediation process when a certain number of violations have been reported and a temporary ban in certain circumstances with, of course, an opportunity to cure. Again, there are a handful of other recommendations that are included in the report, but those are the four central recommendations regarding sound enforcement. And I think with that, mayor, we'll turn it back to paul.

Mayor Wynn: Thank you, brandon.

Yes, sir.

Mayor Wynn: Welcome back, paul.

Okay. So you heard from our four subcommittees. And by the way, 60 meetings, treated this like a full-time job for eight months. Impressive work from everybody, and it was hard. We made a very valiant effort at rising above ourselves, not being self-serve manage this process, not just being about music but trying to approach this in a states unanimous-like objective manner. In doing the charge you gave us, which was how do we enhance live music and taking account all the stakeholders. We've done that. We had input from everybody you could possibly think of. Neighborhood residents talked about sound. It was easy to get distracted with that, but we stayed folksed and tried to stay true to our charge. We heard from musicians that have struggled. We heard from musicians who have done quite well. We heard from venues that have closed down. We put in a lot of hours digesting all this information and that was hard because the easy way out would have been to just make some blanket recommendations that are obvious, ignore the difficult part, and we avoided that. And so the task force, the other 14 members should be commended for rising above ourselves individually and trying to get a bigger picture here. The big thing we're asking for, and again we feel like all of our work is for naught if there is not a process to follow up with. What we're asking for is a music department. A music department to manage not only these issues we just talked about but to build an industry. And I've talked with you a couple of times individually on what that means. What does it mean to build a music industry, to build an infrastructure. Well, when you take an artist, a band that graduates from the garage stage and gets to play the major festival, that in between, that road between those two extremes is difficult and it takes an

industry. It takes management, booking agencies, publicity, it takes distribution, all of these things we frequently have to go outside of austin to get. And that's not right. This -- this thing we call live music here should have that support structure. And it does to a certain extent. Nowhere near the other music cities, nashville, memphis, seattle, chicago. They have a real infrastructure and they worked hard to do that. We didn't do that. Where we failed in 1991 in calling ourselves a music city is to go out and recruit and foster an industry. Now, this city did that decades ago for high tech. We decided we wanted to become a high-tech community. We wanted to graduate from a hippie college town that was a state capitol into a high-tech community and we did that. And we are now a high-tech community. How we did that was we combed the planet for the best and brightest. We made austin sexy. We sold the town. And the town sells itself. The front factor is off the charts, the quality of life is absurdly high and our music presence is already quite substantial. So to sell the music industry to austin is what we feel a no brainer, an absolute necessity at this particular moment. If we want to reclaim the live music capital of the world, we need this music office. And this music department, i should say. Every other music city has substantially, with [inaudible] that's high on the city flow chart. What we have now is almost laughable. We have a third of an individual who reports to a couple of bosses that doesn't have the ability -- that can only be reactionary. There is no proactive music. Mayor, when you created us, you highlighted some things that we do. We have live from the plaza. We have the music on hold. We have music at the airport. And that's good. But it's not enough. It's not a real industry. It's not a real infrastructure. A music department can do that and it's not going to be easy and it's going to take time and it's going to take resources. That is a difficult thing to ask given that we had a 25 or 26 million dollar shortfall in the budget. As we illustrated we're talking about a real industry. If we foster the create and the art, and build infrastructure and industry the two will mesh and we can proudly call ourselves the live music community. But we can't do it without a department and without real personnel. Personnel that has a sense of our music history, that has a sense of how to work within the city. And so not only are we asking for this department, we're asking for an interim plan between -- between when you actually implement a department to handle these issues. So -- and again, the request of a department is two-fold. Number one, handle these things that we just talked about, the four subcommittees. And number two, build, attract an industry. And I'm happy to answer any questions at this time or we can move to questions to the particular subcommittees. But I can't thank you enough for this moment. And I can't emphasize how proud we are to have done this work and to make this request and look forward to continue to working with you, and again, thank you for this opportunity.

Mayor Wynn: Great. Thank you. [Applause]

Mayor Wynn: So council, ovasi and the four subcommittee chairs here and other members of the task force, questions specifically of them? Comments? Councilmember martinez.

Martinez: Mayor, paul, i was wondering if you could introduce the task force members that are here so we can thank them properly.

Absolutely. Where are you guys? Behind me david sullivan. Steve wardheimer. Bobby garza. Brandon agmillion. James moody. Rose reyes. Don pitts. Adrian. Charles called me and he had to leave town on

business. Then there's a few others that also couldn't make it.

Mayor Wynn: Councilmember cole.

Cole: I really do appreciate the work of the committee and all that you've done and your recommendations. I know that it was a hard effort that you put forth and that is never easy when you are trying to do. I was really struck in your recommendations that I haven't heard you talk much about and that was the recommendation for help with affordable housing for musicians. We spend a lot of time talking about affordable housing and i don't have a sense for where musicians actually live, work and play in austin. I mean I know there's a lot of venues downtown and out south and all, but I don't have a feel for if we were really going to seriously think about affordable housing for musicians, what that would look like.

Yeah, that's a big challenge and a big issue. I'm going to turn it over to dave sullivan, but I'll say this. The -- a majority of the gigs are downtown. And you heard that parking was such an issue. So it's increasingly not affordable for musicians to live anywhere near downtown and that's been an issue because to travel from far out to come in to play a gig and pay for gas and parking and then leave is -- it makes it difficult. But we explored some things with density bonuses and other things, and again, there is no simple answer to that question, which is why we charge and want this music department so bad to manage this. But I'm going to let mr. sullivan respond.

Thank you, councilmember, for asking that question. There's a couple of different approaches that could be taken. One, there are clusters -- there are around the city little clusters of homes or cottages that artists, musicians, writers tend to inhabit and it's hard to put them on a map, but when it comes time for redevelopment and a demolition is polled, that's very often we find where people live and who lives there. There's a notable case in south austin where there was a request to rezone some property that was a very high density of musicians and also people related to the music industry living there. And what a private individual living there set out to do on her own was fined somebody to move the units because the owner -- the owner was going to let her have the cottages because he was going to tear them down anyway. So he let her have the cottages. She arranged for somebody to move the cottages. She has been working to find attractive land to move it to. I've been helping by e-mailing the city historic staff about could we get some historic designation for the properties and the affordable housing staff about could we get some help with the process of getting the permits, moving them, et cetera. Well, it's all been very informal. It's all been a couple of individuals doing this. I can imagine that the city's smart housing department could say when they get a notice from the city council that the city council has been made aware that a cluster of units or small apartment complex that has a high density of not just musicians, but artists, writers, people in the cultural class that it is going to be torn down or turned over to condominiums, say, that the city information office would help to find them new housing or the city information office would look to see whether it would be possible to relocate the existing structures as is the case with the south austin case. As paul mentioned, a lot of this would be left up to the music office to research how to do it, but we have this concrete example of where this is going.

And where private individuals are working to try to save the structures. I could see that the city would

play a much more prominent role in doing that. And there's the den active bonus issue. If you are going to specifically provide housing for some people below 60 or 80% of the median family income, you get a bonus. But if they are members of the creative class working at artists or musicians or writers, you could get more of a density bonus, say. It would be something that would not work in all cases but we might be able to find cases from time to time where we could pay special attention to this. I would leave it to the music department to work out the nuts and bolts.

Cole: Let me ask one other question along that same line because I know you have so much experience with this, planning, zoning, housing issues. Do you have any idea, I mean, that most of the live musicians or creative class would be? , but I don't think that's a deep enough level of affordability.

And that's a tough egg to crack. If you look at a city report done a couple years ago on the music industry that helped quantify that \$1 billion that Paul referenced, it has in it a table that shows how much individuals make in the music industry. And it is -- there's a blank space for musician. It says how much the owners make, how much the record -- how much the executives make, how much the typical waiters and waitresses make, but it literally has a blank line for musicians. [Applause] it's the nature of the economy that it is a cash economy and so it's difficult to quantify. That my understanding is the save austin music group is conducting a salary survey to try to get an idea what the income is. What we're trying to do for instance with the smart housing and the 55 million-dollar bond from the general obligation bond is get at the 90% and 30% and find ways to address all the different tiers of income. And so somewhere in that mix we could help everybody in the -- we could help some musicians, artists, writers who are at any one of those income levels. I wouldn't want to take all that 55 million and put it into one area, but I think that we can look at giving some weight to people who are part of the creative class and fall phing some of those income categories.

Cole: Thank you. I appreciate that. [Applause]

Mayor Wynn: By the way, junior brown will move those houses. [Laughter] further questions of task force members? Comments? I'll just say -- councilmember shade.

Shade: Well, I want to also thank all of you for being here, thank you for your commitment to making austin a great music city. Paul, you mentioned it was full-time work for eight months and I know we've met and visited and I applaud you. This is not an easy process so I want to say thank you. [Applause]

I didn't -- the thought just occurred to me that I didn't really bring up and this is something that had some media attention the past month is the distinction, the extraction of this -- of music in the city structure from cultural arts. And when we first took this on and we saw music under cultural arts, it made sense semantically, but then we discovered cultural arts underneath economic growth and redevelopment deals with philanthropy. And cultural arts on a philanthropic level. And what we want, what makes sense for music is commerce and economy. And this is for profit. Not just trying to get philanthropic resources. So I didn't bring that up, but when we talked about having a music department with some real teeth and power, we wanted to make sure that we conveyed that to y'all that this is out of cultural arts and it

reports directly to an assistant city manager.

Cole: And I appreciate your adding that comment very much and I really do look forward to working with my colleagues to explore the feasibility of that and so many of the other recommendations. I did want to call out special attention because I see don and brad stein and I know i saw dinette, but I want to recognize the fact that in these last few months there's been some additional work done to make sure that the neighborhoods had a voice to discuss one of the more controversial issues which is compatibility and the sound issues. And I think that the work has been done has been really excellent in these last couple months and I want to make a statement from here just i know we're not posted for action, but I really hope we can continue -- I'm not asking for new task forces or anything like that is correct but I do want to keep the in the music community formal group together to make sure very address what kind of process is going to be in place. And I know we will be exploring, you know, the feasibility of the music department and I want to make sure that equally of importance is that we continue our efforts along those lines. And I want to make a special thanks and call out to those folks, and again that task force, that subcommittee, brandon, you made your comments, it's been one of the more difficult efforts I know so I want to say thank you for that. And I don't know, again, if we can -- I think so much has been done especially in the final drafting that we're so close that I hope within 90 days we could -- I'm not calling for a specific action, but I think this is doable in the next couple of months. And I know we have the holidays, but I hope we don't lose the momentum -- [applause]

Shade: That we keep this going.

Mayor Wynn: Further comments? I'll just say not unlike our process to choose the architect for the central library, we had that briefing purposely not posted for action, we'll take that action at our next meeting. Similarly, we're not posted for action today. We wanted to get this report, although some of us have followed it as closely as we could, get the feedback, have the ability to have questions of the task force and specifically subcommittees. I'll just say i, like councilmember shade and others, I'll certainly be very supportive over the next few days and weeks of working with council offices to figure out what is this next step structurally. What has me encouraged even in light of the sort of somber, you know, economic news that we are all reading and witnessing and experiencing, our city sales tax is probably down 10% again this month, down 8.5% the previous month. In 2003, when I became mayor, we were staring down the barrel of a 70 million-dollar budget shortfall, the biggest in a long time, 15 or 20 years probably in the city. Because between '01 and mid-'02, the metro economy lost about 45,000 high paying jobs, mostly in the tech manufacturing side of it. Between hardware companies like dell, chip manufacturers like free scale and motorola and others, there were significant lay involves of really highly paid austin citizens. What that meant was economically to the city of austin at the time about a third of our general fund revenue is from sales tax, when people lose their job they stop spending money obviously and you have a downturn in commercial assessed value, home prices stayed the same but commercial prices plummet when there aren't tenants in those buildings. Big economic tsunami hit the city n '03 we are staring down the barrel of a 70 million-dollar shortfall. A piece of the answer was we need to do figure out how to go back into the economic development business. Austin had -- had done so well economically in the MID-TO-LATE 90s, MUCH OF That sort of tech dot-com driven, that we had as not only a community but certainly as a city organization had gotten out of what I'd call the typical

generic economic development business. We weren't calling on new employers. We weren't making recruiting trips, that kind of stuff. This wasn't the need to, frankly. If anything, we probably had almost negative unemployment DURING THE LATE 90s. Companies were having to raid each other's workforce just to maintain their own workforce. Well, so here we were at a time when for the first time in a long time we were doing painful things economically as a city organization. We slashed our budget. We halted construction projects. We eliminated programs, and for the first time in my adult life we laid off city employees. A very painful thing for anybody to do, but particularly painful for a local public governmental employer to do. While we were doing that, while we were slashing programs, cutting spending, stopping projects and laying off people, we created the economic growth department. Because what we looked -- we scoured our city organization, what was going to be left of it, frankly, and realized, you know, we have a bunch of people that are doing things that sort of look like economic development, but some of them were at the convention center and some of them were in different departments throughout the city. But we didn't even have an economic development office and san antonio had one with about 75 people. We didn't even have a department. And so the department that we now call economic growth and redevelopment services was created in 2003 while we were laying off city employees. And while we were halting projects and slashing spending, cutting programs. Technically we didn't go out and hire a bunch of people, we found people that were already doing things that looked sort of like economic development. We tried to roll it structurally into a department and the first year five or eight people were co-located to form the department -- i should know this -- probably 25, 28 people now perhaps, maybe 40. So I take -- have optimism thinking about how difficult those months and even couple of years were for us back in '03 and '04, at the same time creating a department that i think now has in fact been successful, been doing positive things on the economic growth format. We clearly came out of the ditch. It took a while. Our sales tax revenue in the city of austin, it took until 2006 for us to even get back to where we were in 2000. In just raw sales tax dollars. It declined so much in -- from '01 to '03, to the middle of '03. And so I would suggest that even as somber as the economic outlook seems to be even as judiciously as our city manager is already beginning a process whereby he is halting spending, likely sort of beginning to already make cuts to then make potential future cuts less painful, I think he will start announcing some of that progress here shortly. We'll certainly be tracking our sales tax each month as we go forward. So I suggest that even while we're doing that, even while we're having to take this very somber approach economically with our organization and our metro economy, I'm going to be -- I'm going to figure out how to be supportive of us creating a music department as soon as possible. [Applause] so again, paul, thank you for your chairmanship and all your time and effort. As councilmember shade points out, even with a department somehow created relatively soon, the concept of this interim plan is a very key recommendation that even as we start to figure out what a department might even look like or who might be in it, we could begin work on this concept of an interim plan. My suggestion, perspective is that, you know, the bones of that, the genesis of that is in fact this task force and this report. And so I just encourage everybody don't lose interest now, don't let us lose any momentum, particularly on the sound issue. I just really think we're going to have to continue to make sure everybody comes to as close to center of gravity on sound, but I want to sigh this interim plan, this set of recommendations probably morph into an interim plan as would then shape a department around it. Thank you for your work, but please, please keep it

up.

And in anticipation of you looking back at us, the task force, I know at least half of us, half of us want to leave town quickly, the other half want to stick around and follow this up. So we're prepared.

Mayor Wynn: Thank you. Thank you all very much. [Applause]

Mayor Wynn: Why don't we take a quick break. We technically can't do 00 hour for zoning so why don't we take a 5-minute recess until 4:00. Thank you all.

Mayor Wynn: There being a quorum present, I'll call to order this meeting of the Austin Housing Finance Corporation. We have a very modest AHFC agenda, two items, one of which is approving the minutes Margaret Shaw.

Good afternoon, president, my name is March Receipt Shaw, treasurer of the Austin Housing Finance Board and there's a short agenda, just two items. The first administratively just to adopt the minutes from our November 6th meeting. Actually at your pleasure, we would like to take these separately.

Mayor Wynn: Motion by board member Martinez seconded by board member Leffingwell to approve our minutes to our former meeting. Sorry, Ms. Shaw. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion for item 1 passes on a vote of 6-0 with the vice president off the dais.

Thank you. Item number 2 is specifically back in 2007 this board directed staff to reach deeper levels of affordability in the redevelopment of the Stone Ridge apartment sites at 1418 South Lamar. Staff is pleased to come back today with a proposal that would reach 50% as opposed to 80% for 10% of the units which is up to 30 apartments. As part of this agreement, staff is recommending that we waive certain provisions under the existing standard guidelines. With that, I'm available to answer questions or propose it for action.

Mayor Wynn: Questions of staff? Board member Martinez.

Martinez: Thanks, Mayor. Margaret, what exactly are we waiving and why?

Yes, sir. There are three items that the applicant -- actually let me give a little background. When this application came to us in the spring of 2007, we did not have at the Austin Housing Finance Corporation a program under which we could buy down market rate rents. So the provision here is where we are developing and we're seeing a lot of redevelopment in the community where we could reach in with our funding sources and take rents down from one level to the next. So in order through that negotiation will be certain items that the private developer, applicant and owner as opposed to some of our traditional affordable housing developers asked for certain waiver of provisions to go forward with the deal. The first one our guidelines require what is called section 3 reporting which means that on a construction site, that there is contractor has reached out to low-income communities and organizations in order to help employment opportunities for low-income people. Staff is recommending waiving that because as

most of us know most of the people who work on some of these construction sites already meet the income level. So this is just the documentation that we needed so we feel we get the results we want by providing low-income jobs on a construction site. And we're comfortable with waiving that. The second one are --

Martinez: I'm sorry. So if you are saying that it already exists on both sites, then what's the problem with just reporting the facts?

There is substantial documentation that comes with that. So essentially what this waiver would do is not require the contractor and the developer to actually collect that information. The second item is in regards to tenant protections. We have as part of our standard program guidelines a series of protections that we put in place for renters. These are out of federal guidelines and federal statutes that help provide certain protections to tenants and different issues with regard to tenants' rights. Though the applicant has agreed to some of them, there are certain provisions that they've asked us to waive. And I'll just highlight a couple of those. As we've discussed is allowing -- not allowing -- and these are written in double negatives so some of the provisions would not allow a tenant to have property taken if they were behind in rent or payments. These are standard rules that are allowed under the Texas apartment association lease so our provisions go beyond that. And what we're saying is we would bring our guidelines back to the tenant, the allowed under the T.A.A. Lease. We're allowing certain of those waivers back to standard lease arrangements so those tenants across the board throughout the development sign the same lease. And last but not least, part of our guidelines are we encourage partners to reach out to the housing authorities to allow section 8 voucher holders to live within their properties. And that just means that they've let folks know at the housing authority that their property does accept section 8 vouchers. That's one of the provisions we have in our guidelines. And we're willing to waive that in this case in order to reach that deeper level of affordability and diversify our stock among geographic locations.

Martinez: So when we use language like "waiving" what we're really saying we're going to preclude this from happening on this site. We're going to preclude people with section 8 vouchers for trying to apply for a space to live here, are we not?

That is up to the leasing agent if they want to do that. All our provisions say here is that we would encourage what I would call more solicitation and outreach.

Martinez: Right. So if you leave it up to the leasing agent, they wouldn't be asking to you waive this if they weren't going to do it. They are asking you to waive this so they don't have to do it.

I'm not comfortable speculating on why the applicant --

Martinez: That's all right. I am. I'm not comfortable with waiving it either. Because this is a policy level decision that should have been brought to us when we entered the agreement with the particular developer. We have had this developer come back to us and tell us, you know, we need an additional \$800,000 because times have changed, then they went back on that and said no, we can do it, we can

identity. Now they are saying we need to waive these provisions. That's are policy level decisions that had I known this, had this body known this when we were making the decision to vacate a street to give to them, to donate to them, over \$200,000 in value, and then at the same time supplement so that we can achieve legals of affordability, this should have been on the table at that time. So my question to you is if we don't adopt these waivers, what happens to this project?

The project would go forward with 10% of the units at 80%. I do have the attorney here for the applicant who may answer more specific questions of yours, but what they've told us that if these waivers are not granted, they would not participate in the deeper affordability.

Martinez: So I assume they would either give us back the space that was once cinco street or pay us the \$250,000 in value that they gained by us vacating cinco street is this.

The only action tied to this item today is the \$710,000 for the general obligation bonds. You are referring to a street vacation that was already granted and paid for when the applicant did apply for their zoning.

Martinez: And mayor, you know, I don't have any problems with the developer coming in and asking us to make considerations if we're going to invest in their property and reach levels of affordability. What I have a problem with is engaging in an agreement and coming back after the fact and saying we're ready to go now but we need a couple more things. Now what you've given us a street, now that you've given us several hundred thousand dollars and if you don't give it to us we're going to -- i think this whole deal from start to finish has taught us some lessons, quite frankly, moving forward. I certainly feel like we have made some missteps along the way by allowing this to be piecemealed to the very end and I will not be supports these waivers and I will also be asking that we move forward with either being compensated for the street we vacated or being given that street right-of-way back to the citizens of austin who rightfully own it.

Mayor Wynn: Thank you, board member.

Clark cornwell, staff attorney. Just to remind you guys, the street vacation was the city's so you can make a recommendation on that, but it's not a board action.

Mayor Wynn: Thank you. Again, further questions of staff or board comments about this item? Board member morrison.

Morrison: I've struggled with this also and the whole issue of the street vacation, if we put that aside and what really the intention was in the first place, which i realize the board won't be taking any action on this. I hate to be in a position where we're supposedly having to make a decision between whether we support affordability or whether we support strong tenants' rights, which I think everybody wants to be behind all of those. And on the one hand, if they and we don't enter into this deeper level of affordability, which i understand the city would be contributing 700 and some bond money to buy down that affordability. If we don't spend that 750, we with no special protections and no section 8, because at the 80% level, they are not entering into any deal with the city so we have no leverage there. Is that

correct?

The 10% at 80% is part of the vertical mixed use ordinance and I can turn that over to the attorney too, but yes, we do not have the deeper provisions. Those come with the buy-down funds.

Morrison: And so we have a choice at this point of 80% bonds being spent -- this is all one side of the package. 80% F.m.i., none of our g.o. Bonds being spent, no requirement to do outreach for a section 8 and no special tenants protection. , we spend 700 and some thousand of our g.o. Bonds, no special section 8 outreach and no special tenant protections.

Correct, yes, ma'am.

Morrison: Right. So we're not going to get them on either end and that's why I'm struggling with it. But I also want to make a couple of other comments and that is that I believe that with the housing report that , that THE diana McGiver report, i think one of the things that pointed out was that using our bonds to buy down deeper levels of affordable housing from market rate housing is maybe not the most official way to go about things, and that's the new information we didn't have when we were making the decision on this. The other thing I want to comment on is I hope independent of how we resolve this issue or vote to approve or not, I hate for this to be a precedent. I know that there was some conversation about oh, well does this mean from now on if we're going to be doing buy-downs does this mean we're going to have to give away the tenants' rights and I would like to suggest that shouldn't be the case, that, you know, we need to have that on the table as a policy that we want to continue with independent of what the situation is.

Mayor Wynn: Further board comments or questions of staff? Board member cole.

Cole: I just wanted to say that I know this has been a long process and that this process has been delayed on several times in the negotiating stage, and I agree with councilmember morrison that we are in somewhat of a dilemma in terms of trying to have tenant protection but also guaranteeing affordability. From my perspective, I look at this as a whole issue with even the federal housing policy where we have -- used to create actually slums or ghettos by concentrating people of certain income levels in one spot. And that if we're going to make a decision as council to have affordable housing dispersed throughout the community, we need to park with market rate developers to make that happen on occasion and I believe this is one such occasion and this agreement does that. And so because of that, I'm going to go ahead and move approval.

Mayor Wynn: So we have a motion by board member cole to approve this ahfc item number 2 as presented by staff. Second by board member morrison. Further comments on our motion?
Councilmember shade, then others.

Shade: I just wanted to make the comment that, you know, I think really what we're talking about here is not something that should be precedent setting because really the whole point of this is to be looking at flexible, creative ways to use our -- you know, to apply our funds to buying affordability whichever way

we do it and whomever we might partner with. Clearly partnering with a mission driven not for profit organization is a different animal than partnering with a corporate partner. And we've learned a lot on this process and it may be this isn't the road that we go down in the future, but I do think it's really important that, you know, we recognize that if we go with the one size fits all and we are trying to tackle something this complicated, then i think, you know, we're not going to be successful. And so I echo the idea that this is not necessarily precedent setting and I think we do need to go forward with this deal. There's been -- I think the idea of not buying -- not fulfilling this one whenever document is signed and ready to go except for this piece would be a really [inaudible] situation and it would be harder for us to explain that we aren't going to have lower -- you know, go down to 50%, we're not going to have deeper affordability so I'm going to support this.

Mayor Wynn: Board member leffingwell.

Leffingwell: Well, if i understand it correctly, you don't get the provisions that we're talking about waiving either way, right?

Right.

Leffingwell: You either waive them or don't waive them. If you don't waive them they go away because the deal goes away.

Yes, sir, and the board could pick certain ones that they want to waive or not. This applicant and through our negotiations has said they will not agree as a bulk to these. And what I'm hearing and do clarify is this would not be a precedent for future deals coming through, that we would remain with these in place.

Leffingwell: So just to reiterate, we either waive the deal, we either approve the waivers, approve the waivers, get the deeper affordability, the 50%, or we don't approve the waivers and we don't get these provisions anyway but we only get 80%, 10% at 80% as required by the v.m.u. So it's unfortunate, but it looks like we can't get those provisions inserted into the agreement no matter what we do at this point.

Correct.

The second thing is I share councilmember martinez's frustration at the way this deal has been handled from start to finish, but i remember -- I think most of us were on the council when this deal was negotiated, and a big part of the city's approval of the zoning that they got was the ability to have this deeper affordability. And I personally feel like we would be going back on the commitment that we made to the people who live there in those apartments that are affordable now and the commitment was that there would be affordable living spaces after the new one was built. If we don't do this, we will be going back on that commitment. That's the way I understand it. So reluctantly I'm going to support it as well. I'm going to support the motion as well, but I am very frustrated by the way this whole deal was handled. And I think we do need to take, as councilmember shade suggested, a hard look in the future about

making these kind of partnership agreements with for-profit organizations.

Mayor Wynn: Board member shade.

Shade: [Inaudible] of buying affordability and buying tenant protection. I think in this particular situation what we've been driving towards is buying torment and now we know that might come with other issues to consider. So I really want to emphasize how important I think it is that we need the commitment to get - achieve the deeper affordability. And also this is 50% m.f.i. Which I was going to ask the question about -- I was curious about on section 8 housing, it's my understanding and below that are using section 8 vouchers so it wouldn't have this an impact on this project given the depth of affordability, is that correct?

If I understand the question, the typical section 8 is at 30% of median family income and what we would reach is 50%.

Shade: I think that's an important thing to think about as we go forward that, you know, on this particular issue that we're waiving.

Mayor Wynn: Board member martinez.

Martinez: I just want to make a few closing comments. If the typical section 8 and we're only going down to 50%, why ask for a waiver?

And here's the clarification as I understand the question. The typical voucher holder does have 30% income; however, they only pay 30% of their income for rent. So that's how you would have a 30% income tenant in a 50% unit. So the federal government picks up the difference between those 50%. So I apologize if I misled the board. The reason why we're expanding and wanting to use vouchers in different and broader uses is that's a way to leverage the different federal programs so you get very low-income folks into these developments without -- without having to pay down that subsidy. Martinez so someone at 30% could conceivably qualify and move into and live in a 50 m.f.i.

Yes, sir, and the determination factor you just have to qualify by the rent levels. The apartment rent level is what triggers whether that voucher is eligible or not and these would be within section 8 rent levels. These units.

Martinez: And I whole heartedly agree we need to do everything we can to create diverse housing throughout the city, but I absolutely don't understand how you can say that and then at the same time say you want affordability all over the city but you don't want those really low-income folks on section 8 housing. That's what we're striving for and that's what we hear all the time, why is it in east austin. By granting a waiver eliminating folks on section 8 vouchers, that's exactly what we're saying. If you are on a section 8 voucher and you are 30% mfi or below, go east. Don't come down south lamar. We're not going to have you. That's the wrong message. And I absolutely understand all that we've been through in this development agreement and this zoning category, I understand the conversations

we had. My position is based on the principle that we did not have the information we have today the day we made those decisions. Had we had that it would have been a different debate at that time. I'm going to continue to not support the request for the waivers.

Mayor Wynn: Understood. Again, a motion and second on the table approving ahfc item number 2 as presented by staff. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of 5-1 with board member martinez voting no and the vice president off the dais.

Thank you very much, board members.

Mayor Wynn: Board that is correct concludes all of our business posted for the ahfc board meeting today. Without objection, we now stand adjourned and with that I will call back to order this meeting of the austin city council. Welcome, mr. greg guernsey.

Item 77 is case npa 02, the govalle/johnston terrace vertical mixed use neighborhood plan amendment for tract 9-b. This is for the property located at 720 airport boulevard. This is to change the govalle/johnston terrace combined neighborhood plan. The future land use map designation from commercial to mixed use on tract 9-b and retted zoning case is item 78, case 001, again for that same tract, 9-b located at 720 airport boulevard. The planning commission's recommendation was to apply vertical mixed use building to these tracts and it was approved under consent agenda and those are the two items that we would offer for consent approval on all three readings, item number 77 and 78. Item number 79 is case c-14-2007-0262. This is the central austin combined neighborhood planning area vertical mixed use building. We have a staff request for a postponement of this item to your december 18th agenda. The planning commission also postponed their action and will not consider this item until their december ninth reason and that's the reason for postponement of this ITEM TO DECEMBER 18th. Item number 80 is case npa 02, water quality pond number 2. This is for the property at 3700 and 3708 warehouse row. This is to amend the greater south river city combined neighborhood plan area for the future land use map. On change the designation from industrial to civic. The planning commission's recommendation was to approve the civic land use designation. This is ready for consent approval on all three readings of the related zoning case is the case -- item number 81, case c-14-2008-0169, the warehouse row water quality pond number 2 for the same address, 3708 warehouse row, to change the zoning from limited industrial service conditional overlay neighborhood plan combining district zoning to public-neighborhood plan combining district zoning. The planning commission's recommendation was to grand grant the p-np combining district zoning. This is ready for consent approval on all three reading. Item number 82 is case c-14-2008-0167, warehouse water quality ponds number 1 for the property located in the 400 block of east alpine road. This is to change the zoning on the property from rural residence neighborhood plan combining district zoning to public-neighborhood plan combining district zoning. The planning commission's recommendation was to grant p-np combining district zoning. This is ready for consent approval on all three readings. Item number 83 is case c-14-h-2008-19, the blon di far house. This is for the property located at 801 highland avenue to change the zoning from multi-family residence moderate high density neighborhood plan combining district zoning to multi-family residence moderate high density historic landmark neighborhood plan combining district zoning. This is ready for

consent approval on and third readings. Item number 84 is case c-14-h 2008-0026, the donebar l'llers house located at 2502 harris boulevard to zone the property from family residence district zoning to family residence historic landmark combining district zoning. The planning commission recommendation was to grant the shf-3 h an combining district zoning and this is ready for consent approval on all three reading. Item number 85 is case c-14-h-2008-0028 known as the woody house at 709 bouldin avenue to zone the property from family residence neighborhood plan combining district zoning to family residence historic landmark neighborhood plan combining district zoning. The planning commission's recommendation was to grant the sf-3 h-np combining district zoning and this is ready for consent approval on all three readings. Item 86 and 87 are related item. Item number 86 is 02 known as the expo business park for the property located at 61336235 east stassney lane. This is located within the southeast combined neighborhood plan planning area. This is to amend the future land use map for that area. To change the land use designation from mixed use to industry this property. The planning commission recommendation was to grant the industry land use des i guess naig. This is ready for consent approval on all three readings. Item number 87 is case c-14-2008-0200 for the property -- the same address of 6163 to 6235 east stassney lane to zone the property from community commercial mixed use neighborhood plan combining district zoning to limited industrial service conditional overlay neighborhood plan combining district zoning. The planning commission recommendation was to grant the limited industrial service conditional overlay combining district zoning with conditions. And this is ready for consent approval on all three readings. Item number 88 is case c-14-2008-0185. The victory medical and family care property located at 2110 west ben white boulevard. This is zoning the property from family science district zoning to limited office district zoning. The planning commission's recommendation was to grant the lo-co combining district zoning on the property and this is ready for consent approval on all three reading. Item number 89 is case c-14-2008-0191, the nasser zoning at 12,100 north lamar boulevard. This is for a zoning change request from neighborhood office or no district zoning to neighborhood commercial conditional overlay or lr-co combining district zoning. The zoning and platting commission's recommendation was to grant the l on r-co combining district zoning and this ths ready for consent approval on all three radioed gdz. Item number 90 is case c-14-2008-0197, the chase bank property located at 140 west slaughter lane to zone the property from general commercial services conditional overlay combining district zoning to general commercial services conditional overlay combining district zoning to change a condition of the zoning. The zoning and platting commission's recommendation was to grant the cs-co combining district zoning to change the conditions of zoning. This is ready for consent approval on all three readings. Item number 91 is case c-14-2008-0199, the time warner 620 hub. Located at 11 # 827 buckner road to rezone the property from development reserve district zoning to limited office conditional overlay combining district zoning. The zoning and platting commission's recommendation was to grant the lo-co combining district zoning. This is ready for consent approval on all three readings. Item number 92 is case c-14-2008-0211, the waters at bluff springs property locate the at 7707 south i-35 road. This is to zone the property from interim rural residence zoning and community commercial district zoning to multi-family residence moderate high density district zoning. The two multi-family residences, -- the zoning and platting commission's recommendation was to grant multi-family residence moderate high density conditional overlay or mf-4-co combining district zoning. This is ready for consent approval on all three readings. Item number 93 is case c-14-2007-0108 known as the camden north lamar property located at 5300, 5304 and 5400 north

lamar boulevard to zone the property from general commercial services mixed use conditional overlay neighborhood plan combining district zoning to general commercial services mixed use conditional overlay neighborhood plan combining district zoning to change a condition of zoning. The planning commission's recommendation was to grant cs-mu-co-np combining district zoning to change the condition of zoning and this is ready for consent approval on all three readings. Item number 94 is case c-14-2008-0142 for the property located at 6800 manchaca road. This will be a discussion item. I understand there are some citizens that have signed up to item number 94. 95 is case c-14-2008-05333er delister tract located in the 3,000 block of east sh 71 eastbound. The applicant has requested a postponement of this case TO DECEMBER 11th. That's on item number 95. Item number 96 is case c-14-2008-0070, the south lamar and bluebonnet property located at 2323 south lamar, 2315 south lamar and 2421 bluebonnet. I understand we have citizens signed up and this will also be discussion. Item number 97, case g property located at 9609 swanson's ranch road. I understand we also have an individual signed up in opposition to this item. This will be a discussion item, item number 97.

Mayor Wynn: You're correct.

Item number 98 --

Mayor Wynn: Technically they signed up in favor.

I understand we had -- we had beened and there was an adjacent property owner who had signed a valid petition, was letting us know he was on his way down.

Mayor Wynn: Fair enough.

Item number 98 is case c-14-2008-0112 known as the minware property on clawson road. I understand this is a discussion item as well. Item number 99 is case c-14-h-2008-0023, the bradford nohra house at 4213 avenue g. I understand there may be several council offices that would like to defer action on this item, one because there's a valid petition, there's a great deal of issue, and some of the council offices had a desire to have the entire council present when this particular case be considered. If that's the understanding, then I'll continue.

Mayor Wynn: My understanding is I presume the mayor pro tem will be here at our next meeting --

ON DECEMBER 11th?

As long as other colleagues won't be an, we will postpone that one to THE 11th. Thank you.

Item number 100 and item 101, these are properties that are coincidentally associated 104 on your 00 agenda and relate to the urban renewal plan amendments. And so staff respectfully requests that items number 100 and item 101 be tabled along east 11th street and east 12th street,. Having those tainld, we would probably bring these two up at 6:00. So that concludes the items I can offer for consent approval

on this portion of your 4:00 agenda.

Mayor Wynn: Thank you, mr. guernsey. So council, our proposed consent on the cases where we have yet to conduct the public hearing to close the public hearing and approve on all three readings cases 77 and 78. To postpone item 79 until DECEMBER 18th, 2008. To close the public hearing and approve on all three readings cases 80, 81 and 82 to close the public hearing and approve on second and third reading item 83. To close the public hearing and approve on all three readings cases 84, 85, 86, 87, 88, 89, 90, 91, 92, and 93. We'll be postponing item 95 to december 11th, 2008. Also postponing item 99 to DECEMBER 11th, 2008. I'll entertain that motion on that proposed consent agenda. Motion made by councilmember morrison, seconded by councilmember leffingwell to approve the consent agenda as read. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of six to zero with the mayor pro tem off the dais.

Thank you, mayor and council. I believe that brings us back to item number 94, and this is the property located at 6800 manchaca road. Item number 94 is case c-14-2008-0142 owned by mr. james waters. This is a zoning request at 6800 manchaca from family residence district to community commercial conditional overlay or gr-co combining district zoning for tract 1. And limited office mixed use conditional overlay or lo-mu-co combining district zoning for tract 2. 77-acre tract that's located along manchaca road just north of west william cannon. The zoning and platting commission's recommendation was to approve a gr-co zoning for tract 1 and lo-mu-co zoning for tract 2 with the conditions of right-of-way dedication along manchaca road as recommended by staff with some additional conditions. Those additional conditions, which would apply to tract 1, would be a 2,000 trip limitation that would also apply tract 2. On tract 1 there would also be a conditional overlay that would make community recreation private and community recreation public conditional uses. And the conditional use is a use that would require site plan approval by the zoning and platting commission before they could seek approval of those type of uses on property. Second, to prohibit certain yiews on the property -- yiews on the property that would be automobile rentals, automobile repair services, automobile sales, automobile washing of any type, bail bond services, business and trade school, business support services, commercial off-street parking, communication services, dropoff recycling facility, exterminating services, food preparation, funeral services, hospital services general, hotel-motel, indoor entertainment, indoor sports and recreation, outdoor entertainment, outdoor sports and recreation, pawn shop sfses, personal improvement services, research services, potential treatment. It is currently developed with a single-family residence to the north is an existing townhouse development and under construction to the south there are some duplexes, a retail center and some financial services use. Further to the east across the street there's a carpet store, medical offices, child care, and further to the west are medical offices that are under construction and some single-family residences. The zoning in the general area to the north is multi-family. To the south is sf-3, allows duplexes and single-family and gr. To the east is gr and lr, both being retail district. And further the rest is sf-3 again of residential and some lo. The property is located in the williamson creek water, but not over the edward's aquifer zone area. The property owner has been in discussion with the adjacent property owners, and we received today a notice that the applicant has worked out an arrangement to provide a setback and buffer along the north property line and the applicant is agreeable to a 25-building set back along tract 1, but may not be agreeable to a five-foot vegetative buffer along the lo zoned portion of the property. I think I'll let the mike wilson will probably

Speak to that. I think at this time I'll pause and see if you have any questions and I'll answer them or else we can hear from -- I think there's two or three speakers that have signed up with regards to this item.

Mayor Wynn: Correct. So council, we actually have two or three folks signed up wishing on to give us testimony in favor. And one person here in opposition. Questions for staff before we take up testimony? Or the public hearing? If not, then we will conduct our public hearing pursuant to city code. We'll set the clock for five minutes and welcome applicant presentation.

Mayor, this did go to the zoning and platting commission by consent, but I think there was still negotiation between the different property owners regarding this case and that's resulted in some discussion that you will probably hear shortly.

Mayor Wynn: So it was approved by planning commission on consent agenda?

That is correct.

Mayor Wynn: Thank you. We'll set the clock for five minutes although it looks like a couple of folks might want to donate time to the presentation. We'll just see if that is indeed the case. Then we'll hear from Mr. Hardy in opposition. Welcome.

Thank you, Mayor and councilmembers. My name is Bill Watters. I'm the property owner. And I'm here to ask you to approve our zoning request. My parents bought that property in 1957. I grew up there and the city since has grown up around us with a great deal of developments. And of course they cut William Cannon through not too long ago. As staff mentioned, we have a shopping center on the corner down one side of our property, which is GR, and every corner William Cannon on Manchaca Road is GR at this point. And we have GR directly across the street from us. To the north we have had two condominium developments. One of them is complete and one is presently under construction. And when we submitted our request for GR on the first portion of the property equal to the depth of the shopping center. And LO-MU on the remaining portion, also packs up on the LO development on William Cannon to our west. We only had one person who objected to the request, and Hardy, the developer, who is building the complex directly to our north. We worked with him at that point and with city staff and came up with the conditional overlays that the staff just gave you, reducing the potential uses, removing automotive as a possibility and limiting the trips per day. And it passed, as they said, the staff, with consent decree. Hardy explained that he still had a problem with the development and that he wanted a vegetative along the entire north property line to screen the buildings that he proposes to put up. We were able to agree on the setback requirement on the building -- building set back on the GR portion, but we feel that a vegetative buffer along the remaining tract is simply not practical. For one thing, it's a utility easement and has for years. And there's no way that you can guarantee a utility easement is going to remain undisturbed. Secondly, we have some drainage issues that will probably be discussed later that also affect that property line, but Hardy's main desire as I understand it is to screen the houses that he's going to develop and the condos he's going to develop on the other side of the property line. And even if he were given what he's asking for, if won't do that. He's building two-story units. He's brought in a large

amount of fill which raised the pad sites themselves. So at this point if you're standing in the kitchen of one of those units you can easily see over a six-foot picket fence, much less if you're on the second story. No matter what vegetation you get along that property line, it's not going to screen those people's view of our property. So it kind of defeats the purpose of having it in the first place. So very simply, we're asking that you grant the zoning as we have agreed with the setback on the -- building setback on the gr portion, and with no further restrictions other than that, just a general city code on the remaining lomu portion.

Mayor Wynn: Thank you, mr. watters. Questions for bill, council? Thank you, sir. I see a couple other folks wanted to give us testimony in favor, including catherine laosa. Welcome.

Good evening.

Mayor Wynn: Before you start, also is diane watts here? She is offering her additional time to you, so if you need it you will have up to six minute and you will be followed by mike wilson.

I am diane watters. The proposed gr and lo-mu zoning is the most appropriate zoning considering the adjacent zoning and land uses as previously described and as recognized by the staff recommendation and the consent approval the zoning and platting commission. We request that the council grant the requested rezoning on all three readings tonight for the gr-co portion of tract 1 with the additional conditional overlay to include the 25-foot building set back along the north property line of tract 1. We also request that the council grant the lo-mu zoning on tract 2 without any additional conditions and allow the property to only be subject to this site plan development requirements which also will include a 25-foot compatibility set back on a southern portion of the lo tract, which is adjacent to the existing duplex uses. The proposed lo-mu zoning would allow the very same type of town home development that is planned on the adjacent tract to the north. There are we feel that a vegetative buffer is not necessary. We are unaware of any objections to the proposed rezoning from the neighborhood, and you will hear from the property owner rick hardy, who told us that he does not object to the proposed zoning; however, still would like the vegetative buffer along tract 2 in lo tract. As stated before, we are not in agreement with his request for the five-foot unvegetative buffer on the northern line of the lo tract. hardy's development is a multi-family use; however, he perceives it to be single-family. It is not a completed project as the majority of the development has yet not been built. Of the 37 units that he is proposing to develop, only eight units built over the past three years and none of them are occupied. There is no guarantee that this town home project will hardy is asking for a vegetative buffer from the adjacent developments. hardy describes as adjacent to the watters' property are the common area for the condo development, but as shown on the most recent site plan, if we could see that, this is what it looks like right now. So if you look at this, hardy could have easily provided a vegetative buffer on his property, however it, for whatever reasons, he cleared his lot of almost all trees and vegetation up to the property line. This exhibit shows that trees and vegetation are in adjoining properties to see the project. Therefore we request that the lo rezoning be permitted without the zoning as we perceive this would be rewarding a developer who has made development decisions who have made decisions that negatively affect his dwonlt and now wants to burden the watters property with an additional zoning condition that is frankly not warranted. Therefore we object to providing a mandatory buffer and request with that the

issue of preservation of issue of vegetation be allowed via the site development process. Thank you very much.

Mayor Wynn: Councilmember leffingwell.

Leffingwell: I believe I understand correctly you said, but you did say that you didn't want any conditions on tract 2? But there is a co. The co being the 2,000 trip limit.

I'm referring to any additional conditions.

Leffingwell: You support the zoning and platting commission recommendation?

Correct.

Leffingwell: Okay. Thanks.

Mayor Wynn: Welcome mike wilson. You too will have three minutes and then you will be followed by rick hardy.

Good afternoon, mayor and city councilmembers. I'm here in support of the proposed zoning request. I'm here to answer any questions y'all might have related to the drainage or potential subdivision or resubdivision of the process. The adjacent duplex, sf-3 property, there is a 25-foot vegetative buffer requirement from that. Currently right now about 15 feet of that is off of that development on to watters tract. The water will be handled and taken to a storm sewer system near manchaca. If you have any questions related to engineering I'll be here to answer them.

Mayor Wynn: Thank you. wilson, council? Thank you, sir. So council, that's all the folks who have signed up in favor of the zoning case. Now we hear fees in opposition. That speaker is rick hardy. Welcome, mr. hardy. You too will have three minutes. watters or laosa will have a one-time three-minute rebuttal.

Thank you for allowing me the opportunity to be here. I am in favor of the applicant's request. The issue regarding where we had to do some clearance on the back side of our tract along that north property line, we had to put in a drainage easement and the city required a certain amount of cut in order to the water flow. So we were required to take some of the vegetation out of there just to be able to meet the standards that the city staff had required us to do for our site plan. The reason we haven't built anything on -- our site plan was approved three years ago, but we had an off site service steangs for off site water that delayed it dwight quite awhile. And so we've been under construction now for about six, seven months. And then we've kind of slowed it down because of the current market. The only thing I'm asking for is I'm here representing people that will eventually be there, given it will be 37 individual property owners on that property, of which the majority of them will be on this side. Others will be on the other side that won't be affected by this. I'm just asking that I think it would be some wisdom and thinking taking what's currently a five-foot building set back on the lo tract and saying within that five-foot

area if we can just not disturb the current trees and current vegetation that's there. It's not a big area but would allow some minimal amount of buffer between what would be perceived to these people who have these townhomes when they walk out their back porch to have a little backyard. My concern is on the lot that you can go up to a four, five, six story building. A very tall office building could be sitting there looking down on the back of that. If it was a residential structure or if I knew it was limited to some height limitations, then I may not have as much concern about the vegetative buffer zone as I do with this being the potential for an office type building. Just looking at the site back there, it is kind of tight and it appears that the best support for it would be some kind of underground garage, first story garage with maybe one or two stories above that, which would give us a minimum of three stories of an office type building. So if it was garden type without the garage, it wouldn't be such a bother to me, but with that particular use I would just politely ask that we have that vegetative buffer within that five-foot set back.

Mayor Wynn: Thank you, Mr. Hardy. Questions for Rick, Council? Thank you, sir. So now we'll have a -- code allows for a one-time three-minute rebuttal for somebody on the ownership application team. Welcome back, Catherine.

Just briefly, the one comment that was made about the height. The height requirement for I-1 is exactly the same as for MF-1, so we would not be able to go any higher than 40 feet. And in fact, if you drive to the back of this property and look at the elevation that's been raised with the amount of fill, if you were to put in a 26-foot house, you would be actually pretty much at the same elevation because of the difference in topography between Hardy's property and the Watters tract. So it's not going to be that there's going to be some major difference and you're going to have buildings looking on top of his development. If any, they're going to be pretty much the same. In fact, his buildings when they do get built, would actually be looking over the tops of the trees and again the vegetation that we're referring to is it's kind of this kind of lower sort of scrub type of vegetation and small trees. I don't know the types of trees, but they're not like some really unique, gorgeous elm or oak trees or anything like that. So that's a point is that the vegetation that we're talking about, preserve preserving is going to be -- I don't know that it's really that quality that make it worthwhile, frankly. But any event, the height issue, there is no difference between the two. And what we're talking about, because the site is constrained on the I-1 tract because of the fact that we do have a compatibility buffer on the southside that this site is a tight site and so for -- if you were to have a medical office kind of use, you would probably have the parking underneath and two stories above that. But again, they would be pretty much compatible as far as the height goes. And the other point I'd like to make is that you do have to trust the process as far as the site development process and the tree preservation, that in this case the city staff is very diligent about seeking preservation of significant trees, and so frankly we feel like we should allow the development of the tract to go to the site planning arena and that there would be vegetation that would be preserved with the site plan process. And they were just asking that it not be mandatory to have this buffer. So it's not to say that there won't be vegetation, but it's just that it's not dictated with the zoning conditional overlay.

Mayor Wynn: Thank you. Questions for the agent, Council? Thank you all very much. So Council, that concludes the public hearing aspect of this zoning case. Questions of staff or comments office

councilmember leffingwell.

Leffingwell: I think I'm ready to make a motion. Is this ready for all three?

It depends on what your motion is. If you take the commission's recommendation, yes, we are ready for three. If the condition is -- if you add any is very clear and simple --

Leffingwell: Five is adequate? Five people?

Five feet, we could do that. It would be very clear. If it's described as what was discussed earlier a five-foot vegetative adjacent along the I piece, that would be clear enough that we could --

Leffingwell: I want to move to close the public hearing and approve item number 94, the zoning and platting commission recommendation, on all three readings, and if there aren't five votes, I guess that automatically reverts to one reading only.

Mayor Wynn: Motion by councilmember leffingwell, seconded by councilmember cole to close the public hearing and approve zoning and platting commission recommendation of item 94. Further comments? Councilmember morrison.

Morrison: guernsey, could you remind me of the conditions that are on that -- that would go with that motion? Is it on the back of the tract it excludes all those uses that you listed out?

Right. The rear portion of the property, which is about the back 620700 feet, depend on which way you measure it, that would be to zone the property lo-mu, which would allow residential and office type uses on the property, and with a trip limitation currently of 2,000 vehicle trips that would be shared on the front and the back.

Morrison: So the 2,000 is total for the front and the back?

That is correct. But there is no other additional conditions.

Morrison: Thank you.

Mayor Wynn: Again, a motion and a second on the table approving zoning and platting commission recommendation on all three readings. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of 6-0 with the mayor pro tem off the dais. Item 96, mr. guernsey.

Thank you, mayor and council. Item number 96 is case c-14-2008-0070 known as the south lamar and bluebonnet property located at 2323 south lamar 2315 south lamar and 2421 bluebonnet. This is a zoning change request from family residence district zoning for tracts 1 and 2, and general commercial services vertical mixed use combining district zoning for tract 3. The proposed zoning would be for

community commercial or gr district zoning for tracts 1 and 2. And community commercial vertical mixed use building or gr-v combining district zoning for tract 3. The lo tract, as you can see from the exhibit that's on the screen before you, is the tract that's furthest to I guess you could say the south on that's adjacent to the single-family homes further to the south and across the street from an lo zoned property lo-mu zoned property. It would be to the west. The property is currently was zoned sf-3 and the request on this property would be to gr. Tract 2 is kind of in the middle of the tract. It's currently developed with parking lots, partly for auto repair and partly for a sales, auto sales facility. Being in the interior, this is a zoning change request from sf-3 to gr. Tract 3, which is the largest of the three parcel, is parallel and abutting lamar boulevard along south lamar. And this would actually be a downzoning from cs to gr-v. The planning commission recommendation was to approve the staff recommendation, which would be for lo-co on tract 1. Gr-co on tract 2 and gr-v-co on tract 3, but on tracts 3 there would be some additional conditions and two and one with the 2,000 trip limit. There would be a limitation that the commission recommended to limit driveway access to bluebonnet lane, which is further to the west to a single cut, and to prohibit auto repair services, auto hoat active rentals, automotive sales, washing of any type, exterminating services, funeral services, pawn shop services, and that was approved on the commission vote of 7-0. It's approximately a 9-acre tract of land, and the access would be primarily from south lamar and bluebonnet. Bluebonnet at lamar is a signalized intersection. The area has gone through several zoning cases that are mainly to the west of this tract. In the past there have been concerns about vehicle traffic and access along bluebonnet. There have been drainage issues that have been raised on several of the properties that were developed further to the west. You will probably hear from some residents tonighting some of those same conditions. As I said, mostly the properties to the north are commercial uses and to the south there are some also additional commercial retail uses, office, condo projects. To the east is primarily single-family residences and including an apartment complex. And to the west there are also commercial uses. I think at this time I'll pause and let the applicant's agent come forward to speak to this. The city council approved the vmu through the opt in, opt out process, approved the cs-v along the front of the property earlier this year in june, and did waive the dimensional standards that deal with site area, floor to area ratio building coverage, some of the set back limitations and also allowed office districts to include retail type uses. And occurred in june of this year. At this time I'll pause and if you have any questions I'll answer them now or let gilmore come forward and speak on behalf of the property owner.

Thank you, mr. guernsey. Questions for staff council if not, we will now conduct our public hearing. First by setting the clock for five minutes. gilmore, we have I think one other person here to speak in favor before we hear from folks in opposition.

Mayor and members of the council, henry gilmore representing the applicant. We're handing out packets for each of you which show the current zoning of the subject tract and the surrounding area. They also show you pictures of the current uses on the site and the uses that are both adjacent to the site across bluebonnet and across south lamar. Most of you I'm sure are familiar with this stretch of south lamar. When you think about this stretch of south lamar and south lamar in general, you probably think of uses pretty much like you see in the pictures, used car lots, auto repair businesses, and a hodge dodge of aging commercial development. When you look fe zoning map, one thing that jumps out at you is the amount of cs zoning on either side of south lamar. A legacy of decisions made by past

councils when the city was much smaller, when there were fewer commercial areas in the city and when there were fewer commercial zoning categories. According to the existing zoning inventory for the south lamar planning area, 7% of the south lamar planning area is currently zoned commercially, and of that 7%, over 95 acres is zoned cs or cs-1. Slowly but surely south lamar is experiencing redevelopment much like north lamar is and much like south congress is currently undergoing with examples like bridges on the park and other condo projects to the new walgreen's across bluebonnet from this site to other planned project, south lamar slowly but surely is experiencing an exciting rebirth. The owner doesn't have to do this. He could leave it zoned as is. The used car lot and the auto repair business pay rent regularly. Give the ever rising prices of new cars, the tract's proximity to downtown and given the fact that some 42,000 vehicles per day travel on south lamar, this corner is and will remain attractive for automotive related uses for quite some time. But the owner sees an opportunity to do something better. Envisions a neighborhood friendly use that incorporates the principles of the city's commercial design standards. And while we don't have specific end users yet, the conditions recommended by staff along with the areas of agreement with the south lamar neighborhood association will ensure a quality, well designed development that complies with current code and is neighborhood friendly, but still acknowledges the tract's proximity to downtown and its location on a major north-south arterial. This case will eliminate 1.2 acres of cs zoning. It will also eliminate a used car lot and an auto repair business. And it will also result in a net reduction of some 46,000 square feet of gross floor area by down zoning from cs to gr. In addition to agreeing to the staff recommendations regarding lo-co for tract 1 rather than gr, to agreeing to limit the trips per day to 2000 trips per and to exclude service stations and exterminating services, the own are has met with the south lamar neighborhood association and agreed to a number of other conditions, and those include prohibiting all the automotive related uses, rentals, repair, sales, washing, funeral homes and pawn shops. And as greg mentioned, they also agreed to limit the number of driveways on to bluebonnet to one. The owner also agreed to work with the city of austin during time of site plan to provide site storm water detention and site grading, which will not only address site conditions, but will also improve existing off site drainage conditions. And the owner also agreed to provide a buffer between tract 1 and the adjoining landowner existing of land scawiving and possibly other buffering techniques, including a stonewall. So council this is in essence a down zoning. It will eliminate cs zoning, eliminate a a used car lot, auto repair business and replace it with a quality, neighborhood compatibility, well designed neighborhood or retail development that complies with the city's commercial design standards and current code. With that we respectfully request your approval as recommended to you by staff and is unanimously recommended to you by the planning commission. I'll be glad to answer any questions.

Mayor Wynn: Thank you. Questions for the agent, council? Nancy mcclain has signed up wish to go give us positive testimony. Welcome. You will have three minutes.

Thank you, my name is nancy mcclain. I live at 2302 dell curtco. My property is within two unit of this project, whichever direction you go. And I'm just here to say that I am in favor of it. I've met with the developer over many months and while we talked through things and I think it's a desirable project for the neighborhood. I think it's desirable for the property values in general, and I believe that they're going to help the drainage situation, which has been ongoing problems in that. And I'm just saying go for it.

Thank you.

Mayor Wynn: Thank you,. So council, that's all the folks that wanted to give us testimony in favor of this zoning case. We'll now hear from folks in opposition. Our first speaker is carol gribz. Welcome. You will have three minutes to be followed by camille perry.

Thank you, mayor and councilmembers. I'm carol gibbs with the south lamar neighborhood association. I believe I sent y'all an e-mail I guess earlier this week. Yeah,. Hopefully you've had a chance to look at that. My main -- obviously it would look pretty silly saying -- maybe not silly, but I'm not comfortable saying don't down zone from cs to gr. Who wouldn't be okay with that? Actually, zilker is not okay with that, but that's another story. I don't mean that to be funny, but they raise some valid points.

Mayor Wynn: That would look silly. [Laughter]

they raise some valid points and actually lorraine was hoping to be here but she thought it would come up later on the agenda so she's probably not going to get back here in time for this case. But y'all get her e-mail, i hope. My concern is that sf-3 lot on bluebonnet. I'm hoping that -- because some of the stuff is still foreign to me after all these years that we're talking about this whole entire property, all three tracts together as one unified site plan or one unified project so when we talk about one driveway on to bluebonnet, we're talking about one driveway on to bluebonnet for all of it. I know he's already got cs zoning. Put more traffic on to bluebonnet without even coming here. I realize we're he -- there's not whole lot for him to do about the traffic on bluebonnet, but it is horrific. Two people -- two cars get through the light for a left turn, and when it school days and rush hour and stuff like that, it is just impossible. And just imagine somebody coming in off lamar on to bluebonnet trying to turn left into their driveway while cars are backed up trying to get out of the neighborhood. I just -- that's a dangerous intersection already, but again, he could do -- do worse with the zoning he's already got. I won't spend any more time on that. I would like to see if there's any way that y'all can codify with a conditional overlay that setback that he's agreed to do with the sf-3 property away to him. I know there are some things you can't codify, but i believe an additional setback hopefully could be done. And I guess I will stop there and take questions you have any. I do want to give props to jim roth of talisman properties for being very accessible to us, coming to us before he filed his case, and all that stuff. It makes life a whole lot easier when the developer approaches us first.

For us too, thank you, carol.

Mayor Wynn: Questions for ms. gibbs? Councilmember leffingwell.

Leffingwell: So the additional set back you're talking about applies to 23r5bg9? Tract 3?

Tract 1, the one that's sf-3 now.

Leffingwell: Okay. And the applicant has agreed to that? gilmore just read out -- to be honest, it's been so long since we talked about that part of it, I can't remember the specific distance. I do remember that

they talked with that property owner about the setbacks and it would be nice for that can be codified rather than us having to do a restrictive covenant if that's something that can be in the code. The exact measurements I'm not sure. Obviously there's a 25-foot already and that may be all that they talked about. But there are some protected trees right about at the 25-foot set back that we measured four years ago when mr. ross first came to us. They are right there about that cutoff place. So if that set back could also protect those trees, that would be awesome. They're huge elm trees.

Leffingwell: I'll get gilmore then on that. Uksz.

We would not be to an additional set back. We did agree to provide some additional buffering in terms of land caping and a privacy fence, but we felt like the compatibility standards were intended to address commercial versus single-family residential development, and we would also note that we're giving up 46,000 square feet in terms of gross floor area through the down zoning.

Leffingwell: So you're agreeing only to the structural set back?

Yes, sir. It would also be under compatibility limited to no more than two stories and there would be certain design features that would be incorporated as well.

Leffingwell: Thank you.

Mayor Wynn: Further questions for carol or mr. gilmore? If not, we'll continue our public hearing. Our next speaker is to be camille perry. Welcome back, ms. perry. You too will have three minutes. And we'll hold lorraine atherton's spot if she's here. Welcome.

Thank you in advance for the opportunity to speak. I disagree with the idea that this is downzoning and I can speak to that with some percentages, but i don't have that as a part of my speech and I'll run out of time if I'll continue. First I want to ask that my testimony before the planning commission regarding this case be read into the record if it isn't a part already. I'm here to ask you vote against this zoning request because the trablght that fronts on to bluebonnet tracts I believe two of them actually have access to blue be bonnet are at a kel point for storm water to cross. Water drains from I've heard between 20 and 30 acres from both sides of south lamar. At the time of the walgreen's development, i submitted a color coded top graph kel map that shows this area. And even more water will drain through here in the future from the vmu on manchaca near south lamar. The storm sewer under the tracts that front on to bluebonnet is shallow. The storm sewer there like that behind my property is in a gully that -- because the sewer line is shallow, any detention pond on this property also needs to be shallow in order for it to drain and therefore would need to cover more surface area than it might otherwise. If the pond is deeper than the pipe, water will stond stand, become stagnant and smelly and breed mosquitos. The property fronting on to bluebonnet has had zero impervious cover for quite a number of years now. Current f-3 zoning allows 45% impervious cover. With gr it would allow 90 percent and lo would allow for 70 percent. From what I know about the periodic flooding when the storm sewer cannot carry the water, I believe this area needs to be even less than 45%. Which is allowed at present. Not increased. ross' plans would be built over the storm sewer, which would require a variance, which i would also oppose.

Also any development near the storm sewer on that side of bluebonnet should not be built up higher than the curve as it would cause the water to pool and that's an understatement, on bluebonnet in front of where the storm sewer goes under bluebonnet at this time when there's flooding. I believe this is a speculative zoning request. I hope you will not rezone this sf-3 property and increase the allowable impervious cover. After planning commission, i understood that I would receive more plans from the developer. When I hadn't received any last friday, I phoned them to ask if they had any -- [buzzer sounds] -- specifics for which a couple of us had asked. I was told there were none. I have just a tiny bit. May I finish?

Mayor Wynn: You may. Take your ti camille.

Lastly I would like to call your attention to the e-mail in the file from mcclain on save baft of the south lamar neighborhood association and my response to it. I do not believe that it is representative of the majority residents downstream there property. Directly affected or even of the neighborhood at large. I think that from what I've heard, some of these agreements were made years ago. Thank you.

Mayor Wynn: Thank you, ms. perry. Welcome lorraine. You too will have three minutes.

Hello. I'm lorraine atherton, co-president of the zilker neighborhood association, and I also live within the 500 notification area for this particular project application. Yes indeed the zilker neighborhood association is opposed to downzoning the cs portion of this property. We've just put a lot of work into our vmu application and so the conditions on south lamar are fresh in our minds, and this is essentially a plea for consistency. The idea we thought behind vmu was to concentrate intense development on south lamar, and this is a great property for the cs part of it is a great property for intense, especially vmu with a residential component directly on south lamar. We think it's a bad trade-off to allow commercial creep back into the residential portions of the neighborhood so that someone can build less on south lamar. Yes, we agree that there is quai too much cs zoning in this corridor, but this is one of the properties where it is appropriate. And what we do need on south lamar is more housing. We would really urge you to look at ways to get housing on to this property and definitely don't take the sf-3 properties out -- don't eliminate their potential to provide more housing unless someone comes up with a mixed use or a multi-family proposal that would actually get housing on it. Thank you.

Mayor Wynn: Thank you, lorraine. Our final speaker in opposition is bobby rigby. Welcome mr. rigby. You too will have three minutes.

Hi, I'm bobby rigby with the zilker neighborhood association. I appreciate the time. I won't need three minutes. I just wanted to reiterate the neighborhood association in our october meeting did go ahead and vote entirely -- I think it was consensual to oppose this. The other thing is to especially understand from the previous speaker in south lamar neighborhood association that of course they're zoning the land. They're not zoning with a guarantee for this project. We're concerned about that. We understand that that's the nature of the rezoning. You zone the disufs, not the project. The project could go forward. These are the kind of economic times we're not certain about funding, but it's definitely appropriate for this location to get some residential vertical mixed use is really great on the site, and another project

could go -- that does not have the residential component could very easily go somewhere else. But this is a very good site for residential. Thank you.

Mayor Wynn: Council, that's all the folks who have signed up in opposition. We'll now have a one-time three-minute rebuttal from the applicant or agent. Welcome back, mr. gilmore.

Thank you, council. Down zoning is harder than you think these days. With respect to drainage, the position that we've always taken is that it's really a site plan issue, not a zoning issue. And we'll have an adjudicated site plan that addresses drainage at the time of site plan. Under state law and city code we are prohibiting from making drainage worse. We have committed to addressing drainage not only for our site, but to improve off site drainage as well by virtue of a private covenant. We think the down zoning is a net plus. We think removing a used car lot and an auto repair business is a net plus. We think limiting development to one curb cut on to bluebonnet is a net plus. And we would ask for your approval as recommended to you by staff and as unanimously recommended to you by the planning commission.

Mayor Wynn: Thank you. Questions for the agent, council? Then if not, that concludes the public hearing portion of this zoning case, item 96. Any questions of staff or anybody else? Councilmember morrison.

Morrison: I have a question for staff. The pc recommendation about -- I guess it was pc, limiting it to one curb cut on bluebonnet, is that -- the question is can that really be done technically since we have three different actual plots of land or plats of land?

Yes, because we're bringing this together as a single application, that condition can be placed on these properties. And the commission's actual recommendation has been drafted in ordinance form and it's on page 2 of 3, and would only allow a single access point, single driveway on to bluebonnet.

Morrison: But on the other hand, these properties could be sold separately, isn't that correct in.

That's correct. So if in the future if there was redevelopment I guess it would be whoever gets there first in that sense because that condition would apply to these properties together.

Morrison: Okay. I do want to comment this is a challenging case. There are all sorts of different pieces to it. I do have particular concern about moving commercial back in to the neighborhood right up against -- so changing sf-3 to -- to tract 1. And I have a lot of concern about the impact of that on the sf right next to it and then you will see right along the street to the east we've got a lot of -- we've got very traditionally platted single-family. So -- also looking at south lamar recommendation, which was to take that tract be 1, and with an lo -- go ahead and support lo, but with very limited uses. And that -- those two uses were water detention and parking. And so what I'd like to propose is something a little bit different to try to ameliorate both those situations, more uses of the tract, but being cognizant of the fact that we're moving and it's sf-3 and it's right next to sf 3 and there is concern about commercial creep. And that is to go ahead with the motion then to close the public hearing and to move on first reading only on tract the planning commission recommendation, on tract 2, the planning commission

recommendation, the condition of the one cut on bluebonnet, and then on tract be 1 to zone it -- move from sf-3 to lo-mu where the uses would be limited to residential uses, water retention -- water detention ponds and parking. So my thought was that this would be a way to be able to get a good transition to the sf-3 if it is going to be upzoned, but still allow use -- some uses of lo. That's motion.

Mayor Wynn: So a motion by councilmember morrison to close the public hearing and as we heard approve the planning commission recommendation on tracts 3 and 2, noting that restriction on bluebonnet curb cuts, and on tract 1 zoning to lo-mu, limiting the uses to residential, water detention and/or parking.

And is to clarify, water detention, water quality? And parking? Because they may have a water casualty pond associated with this? Be for an accessory use associated with the front of the property, a commercial use?

Morrison: The front of the property or the residence. Or the residences? They could use it as an accessory to parking and detention could be either for the commercial uses that might be in the front or residential use that might be actually developed on this portion of the property?

Mayor Wynn: Understood. So a motion on the table. Motion dies for lack of a second. I'll entertain another motion.

Cole: Mayor, I'd like to ask a question of staff. Can you just tell me a little bit about how the drainage issues would be worked out during the site plan process?

When the applicant -- yes. When the applicant submits a site plan, we would have staff that would review the proposed plan, one of our engineers would look at where the water is flowing currently on the property and would have to concur with their engineers' calculations for design of a pond. Usually the pond is in the lower portion of the property. There's a very good chance it would actually be on tract 1 because as you come off lamar, the land slopes down from tract 3 along lamar to tract 1. And they would have to design for state farm water detention on the property and capture that for the additional runoff that would be created. On property. It would have to comply with compatibility standards. As well as any building, drivewaying. So the setback that gilmore was talking about for buildings parking would also apply to the pond itself. It would also have to provide screening. At the time of development, depending on how much they develop, it would be reviewed at that stage. At this time there's no way of knowing exactly what gilmore's client would be constructing so I could not tell you the size of the pond or if it would be built crossing part of tract 3, into tract 2 or be wholly within tract 2 or tract 3.

Cole: Mayor, I would like to move approval of all three tracts according to the planning commission recommendation.

Mayor Wynn: Motion by councilmember cole to close the public hearing and approve planning commission recommendation for this zoning case, item 96.

And we are prepared for three readings if you go with the planning commission be's recommendation.

Mayor Wynn: On all three reading. Motion on the table. Planning commission recommendation, all three readings, seconded by councilmember martinez. Further comments on the motion? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of five-one with councilmember morrison voting no and the mayor pro tem off the dais.

Mayor, I realize it's 39 now, but I also have a postponement where there's no objection filed by the neighborhood if you want to take a postponement, maybe tell one or two citizens they could leave for the remainder of the day. Item number 98, case c-14-2008-0112, we have an applicant's postponement request that we just received to our december 11th agenda. I understand the neighborhood representative does not object to the postponement of this item number 98.

Mayor Wynn: So council, I'll entertain a motion to postpone item to our DECEMBER 11th, 2008 Meeting. Motion by councilmember leffingwell, seconded by councilmember shade. All in favor of the postponement, please say aye. motion passes on a vote of six to zero with the mayor pro tem off the dais.

Thank you, mayor and council. I apologize. 30 break for live music priengsds. So at this time there being no closed session agenda items to be taken up, I will now recess this meeting of the austin city council. Staw tuned for steve bernstein and then some proclamations. And likely we will reconvene the city council meeting approximately 6:15 p.m. We are now in recess. Thank you. [?? Music playing ??] [?? music playing ??] ' [?? music playing ??]

Mayor Wynn: So while steve and the team sort of break down on that side of the, we come over here and use this podium each week for our proclamations. We try to take this opportunity each week to raise awareness about certain issues, to say thank you to people or congratulations, sometimes say good-bye to retiring employees, that kind of thing. My first proclamation is regarding austin advanced practice nurse week. So it's a mouthful, and after I read the proclamation, then sandra ransom, nurse practitioner, is going to tell us about the week and just about why we try to promote the different specials within nursing and how we all should try to take advantage of that. Okay. So proclamation reads: Advanced practice nurses include nurse practitioners, certified nurse midwives, clinical nurse specialists, and certified registered anesthetists. That's hard for me to say, who often serve as primary health providers. And whereas with education and clinician training they offer such services and physical exams and evaluations, health education, treatment for common illnesses, chronic disease management, prenatal and birthing care and administering anesthesia for operations. And whereas we're pleased to recognize advanced practice nurses for their contributions to public health and well-being and for the excellent patient care they provide to austin citizens. So now therefore i, will wynn, mayor of the city of austin, texas do here by proclaim the week of november 9th through 15th, 2008 as austin advance practice nurses week here in town please join me in thanking and congratulating some fine professionals before we hear from sandra. That's a hard one to read.

We call ourselves the austin apn's. You can see why because it's really a mouthful, advanced practice

nurses. We've come together in a local organization and we've included, as mayor wynn said, nurse practitioners, and there are many different kinds and I brought some with me. Clinical nurse specialists, also midwives. We don't have a midwife here with me today, she's birthing a baby. But we all work in hospitals and clinics and in your neighborhood doctor's offices. Some of us work in some of the clinics in some of the pharmacies giving flu shots. We do a lot of different things in your community. So we wanted to come tonight so we could tell you a little bit more about what we do. My name is sandra ransom. I'm a women's health nurse practitioner and I practice planned parenthood. I would like to go ahead and let these other ladies introduce themselves and they can tell you what they do. And you can kind of see there's a big range of services that we do provide. Go ahead.

My name is christine new man be and I'm an adult health clinical nurse specialist student at the university of texas at austin.

My name is karen mccarthy. I'm a nurse practitioner and I work at brackenridge. I'm preaccepting christine right now so she can become one of us. And I work with palliative medicine at brackenridge.

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My name is mary blackburn. I'm an adult health clinical nurse specialist and I work at legacy heart care. We do cardiac treatments to build collateral arteries in the vasculature. So we help improve the cardiac patients' lives.

Hello. My name is france. I'm a family nurse practitioner and a clinical nurse specialist in gerontological nursing. I have two jobs. in the school of nursing with the family nurse practitioner program. And I do see patients in the wellness there. We opened an indigent clinic. If you come across patients who have no insurance, we do -- you can call the school of nursing and get our number. I also see patients, elderly patients in their home, nursing homes, and in assisted living facilities.

Hi, I'm patty aleman. I have a little bit of congestion. I'm an adult nurse practitioner here in austin and I'm doing contract military health care, conducting post deployment for service members and periodic health assessments. As you can see, we do provide a lot of services in the health of the community. And we have celebrated our whole month, I guess, all over the state of texas. Governor perry has signed a texas nurse practitioner proclamation. [Applause]

Mayor Wynn: For my next proclamation, it's going to be regarding the great american smokeout and how we are promoting and celebrating that here in austin. I'll just say briefly, as part of our overall, fitness, health wellness series of programs, from the mayor's fitness to the austin travis county health and human services department we do our best to benchmark and track important data. Giving up tobacco use is a big deal when it comes to the cost effective nature of preventive health care. So there's a combination of both public policy like our smoking ban here in austin to and through just continued outreach and awareness about how much tobacco is costing us as a society. We've seen measurable improvements here in austin in the reduction of adults who are -- people in total who are smoking. I want to say we're down well below 20% now. And that number seems to still be trending in the good direction for us. So I'm going to read a quick proclamation. I'll turn the mic over to david larely who might

introduce a few more folks who are going to talk about how we're going to promote giving up tobacco use here in town. Okay. So the proclamation reads: For more than 30 years, the American Cancer Society's Great American Smokeout has encouraged smokers to quit for a brief time by starting with just one day. Whereas lung cancer is the leading cause of cancer-related death for both men and women and an increasing number of teens are experimenting with an addictive substance that causes an increased risk of cancer and whereas we encourage all smokers to demonstrate to themselves and our children that they can quit and urge children not to start smoking by joining today's Great American Smokeout. So now therefore I, Will Wynn, Mayor of Austin, do hereby proclaim November 20th, 2008 as the American Cancer Society's Great American Smokeout in Austin and please join me in welcoming Mr. David Lurie. Welcome. [Applause]

if you, Mayor. We -- thank you, Mayor. We really appreciate this proclamation and actually just reflecting on the advanced nurse practitioners who were here a few moments ago, our objective here is to really maximize the use of their time and their resources by preventing a lot of diseases that in fact are related to tobacco use. As the Mayor has pointed out, in recent decades, we've seen a fairly substantial decline in smoking and yet it's leveled off at about the 19% level. And tobacco use continues to be a major contributor to disease and premature death in our community, and nationally. So it continues to be an opportunity for prevention and improvement in overall health status. We have a tobacco prevention and control coalition in our community with about 25 organizations and partners participating, including our academic institutions, the University of Texas, health care providers, the Cancer Society, the Heart Association, Lung Association, and many health care providers throughout our community. Meagan, who is with our department, is the coordinator who facilitates that here in the community and we have a number of other representatives here. Our city is setting a good model as it relates to a smoke-free workplace. We have smoking cessation programs as part of the health care benefit and through the Human Services Department actually starting in '09 the co-pay for prescription medications associated with quitting smoking will be waived. So we really want to encourage our workforce to take full advantage of that opportunity. So with that I'd like to ask Glen Shafer to come forward who is representing the American Cancer Society to also share some thoughts with you. Glen, thank you.

Stu. Good evening, everybody. I do volunteer work for the American Cancer Society. I started smoking cigarettes when I was 17 and away at summer camp and became addicted to them very quickly, surprisingly. And it took me almost 25 years to kick that habit, but I did do that about 16 years ago, and I'm here to tell you if I could quit, anybody could. I smoked two, two and a half packs a day. I was terribly addicted to it, smoked all the time, every place. And it has been one of the most freeing things giving up that addiction that I've ever experienced, not having to go outside in miserable weather. When I quit I was living in upstate New York, so I would go outside and smoke in five degrees. In Texas you have to go outside to smoke in 105 degrees, but it's still pretty uncomfortable no matter how you do it. You're really a social pariah if you smoke. And several years ago I saw my mother waste away and die from lung cancer, the type directly attributed to smoking. That was not a pleasant sight and something that I didn't enjoy seeing. A few days after I quit I attended a free Fresh Start class that the American Cancer Society was holding and it helped me tremendously. There are a lot of resources today. It's not something you just have to do by virtue of will power. There are some wonderful ways to help you. I did the math recently and in 16 years I've saved a minimum, conservative figure, of \$40,000

on not buying cigarettes. I wish I could tell you where that money is right now. I waste it had on some other things. But it is a wonderful, wonderful feeling to be free from cigarettes. I've been a tennis player my whole life. I also wish I could tell you I scoot around the court a lot faster now because I'm not smoking. Unfortunately there's a big -- something that's slowed me down and that's age. But I breathe a lot better and I don't get winded as quickly. Please, if you're thinking of quitting smoking, if you know somebody who would like to quit, avail yourself of some of the main resources that are out there today because it's really a great feeling not to ever have to pick up a cigarette again. Thank you very much. [Applause]

Mayor Wynn: So for my last proclamation before i turn the podium over to councilmember martinez, we continue our health theme today because we're going to talk about chronic obstructive pulmonary disease awareness month. So very much related to our theme for the day. So I can read the proclamation about copd as it is called and then we'll hear from either or both kitty collins and sharon barlow and probably introduce some other folks as well. Okay. These are tough procs to read, too, all these medical terms. This proclamation reads: Chronic lung diseases such as emphysema and chronic bronchitis known collectively as obstructive pulmonary disease or copd are the fourth leading cause and whereas 12 million americans have been diagnosed with some form of copd and the same number go undiagnosed, which is why raising awareness of the disease and its serious side effects is so critical and whereas copd is commonly an invisible disease until symptoms appear, but awareness, early detection and treatment are crucial in the prevention or slowing of the spread of lung disease. So now therefore i, will wynn, mayor of austin, do here by proclaim this month november 2008 as chronic obstructive pulmonary disease awareness month here in austin. And please welcome either kitty or sharon to say more about why we try to raise awareness about the disease, what we're going to do this month and probably even meet some other folks. Ladies, welcome. [Applause]

thank you, mayor wynn. I work with people with copd all the time and have for about the last 30 years. It ties in perfectly with the great american smokeout. 85% Of people get their copd from cigarette smoke, however 15 percent of people get it from occupational exposure and genetic reasons. The thing is that it's something that can be diagnosed early. There are tests out there and if somebody is caught as early as the age of 45 and stops whatever exposure is causing the irritation that causes copd, then they can quit smoking and not develop the disabling stitches that people experience. And when I'm talking disabling symptoms, I'm not talking getting short of breath because you walk too fast, I'm talking simple things like taking a shower can become an overwhelming task. I've been working with the american lung association for the last five years, and we've been doing a local copd awareness initiative. And we've gone out and done sir rom try screenings, which is the test that can be done to detect the disea. We've had several conferences and patient dinners to recognize people that the disease as well. And I'm happy to say that our efforts have been working because we now have a statewide copd coalition that's formed. I could sit here and talk about copd from what I've seen, but sharon barlow here has offered to talk. She has copd as well as many of the people that you see up here right now. She can give you a better idea from a personal standpoint just how devastating it can be.

As kitty said, I have copd, and I think of copd as a sneaky disease because it sneaks on you in little tien bits over a period of years. It's a very emotional subject for me, so I hope you will understand if I get

lumps in my throat as I go through what I want to tell you. My copd was diagnosed in the early '80's, but my problems started in the '70's. First I couldn't walk the stairs between floors at work. I took the elevator and I told myself it was faster. It wasn't. Then I had a two and a half block walk from my parking lot to the building. I had to stop and rest. Catch my breath. I told myself it was hot in Houston, but it wasn't, not that hot. I had an excuse for everything that happened to me, one by one over the years. Humidity would take me to my knees, stop me dead in my tracks. Cold weather was almost as bad because it hurt my lung to breathe, so I wore a mask. I had a real long driveway, so to get my mail, I got into my car and backed down the driveway, got my mail and drove back in my garage. One time I bought too many groceries, I forgot my husband wasn't home and my neighbor had to carry them in the house for me, so I didn't do that anymore. Over the years those little things started happening more and more little things that I couldn't do. I couldn't sleep flat in bed. I had to be elevated. One of my doctors suggested I put bricks under the head on board, and that did work. It was a little uncomfortable for my husband. He kind of slid down on the bed a little, but he survived it. My job required that I fly for meetings. And I couldn't do that. I couldn't walk those airport terminals. And I certainly couldn't carry luggage for overnight trips. I quit taking tuck baths. I couldn't lift myself out of the bathtub. I started taking showers. There's the humidity again, so I would leave the shower curtain halfway open and open the bathroom door. Copd is sneaky. Rushing or even thinking about rushing made it extremely hard to breathe because I was gulping in air trying to get my breath. With copd you're supposed to do what we call pursed lip breathing. You can close your mouth, breathe in your nose, purse your lips, blow out twice as long as you breathed in without puffing out your cheeks. My branch of copd is emphysema -- emphysema. I started smoking when I was one week old and I quit at 46. My mother smoked. And I don't understand my teens and now we know secondhand smoke is just as bad as smoking. I retired at age 48. I thought the good thing about that would be I could spend some time with my mother. And she died in less than a year from copd. I won't tell you how much income I lost in that 17 years because I planned on working until I was 65. Copd turned my life upside down and backwards. I applied for and received social security disability. I retired December 31st and they made my social security disability effective January 1st. Then 18 months later I was on Medicaid. Copd is sneaky. In 1997 my lungs quit working and I went to the hospital E.M.S. Just as we were pulling up to Seton, I heard my E.M.S. Tech say, she's back. I still don't know if I died or passed out, but I was glad to be back. He asked me how old I was. I told him I was 53. And I wanted to be 54 real bad. I came out of the hospital on oxygen 24/. I had a concentrator and 50 feet of plastic tubing that was my life line just for moving about my home. I had a small eight-partly sunny tank for in the care and I couldn't carry that. My husband carried it for me. I stayed on oxygen the next two years. My copd worsened real fast. Later that same year I was back in the hospital and this time I came out with an electric wheelchair. My husband gave me a bath, dried me off, he dressed me and even learned to roll my hair. I don't have to worry about that now. And he blew it dry. Copd is sneaky. Going places with friends is something I couldn't do. It took me too long to get ready and I had to walk too slow. They would get disgusted, I guess, because I couldn't keep up. But when you have copd like that, you find out real quick who your friends are. I'm so thankful that more and more people are finding out what copd is and what happens to the people who have it and their families. They wonder why I'm not on oxygen now. Denton said it was time for a transplant. After a bunch of testing and a two-year wait, I received a lung transplant in February 1999. This lung, my right one has copd. This left lung is a transplant from a really wonderful person that I never met. You never

know what's going to happen with copd,, you just know it isn't going to be good. And in my case copd got about just as bad as it gets. Thank you. [Applause]

Mayor Wynn: With that I'd like to turn the podium over to councilmember martinez.

Martinez: Welcome. For those of you that don't know, next week is going to be eat local week here in austin, texas. And this is a great project put on by edible austin and it promotes our local restaurant and markets that sell locally sourced foods and drinks. A portion of the proceeds are going to be to urban roots, which is another great organization that teaches students how to grow crops and take it to market. So this is a true farm to market approach. We have been working with urban roots to try to find them some property that they can start cull activating and farming on and we think this is a great match with two organizations and we are here to kick off eat local week, which is -- it's not next week, is it? December six through 13. Next week is thanksgiving. Everybody will be eating next week. [Laughter] I'm going to read a proclamation and then ask marla to say a few words. The proclamation reads be it known whereas scores of area restaurants and markets are participating in a benefit event organized by edible austin magazine for urban roots and the youth development program that uses sustainable agriculture as a means to transform the lives of young people and to the accessibility of healthy food in austin. And whereas part of the proceeds from the sales of locally grown and made foods at markets along with locally sourced entrees and drinks at restaurants during this week will go to urban roots and whereas festivities kickoff saturday, december 6, with live music, chef's demonstration using fresh fuse at the downtown austin farmers market and an urban farm bicycle tour. Now therefore I will wynn, mary of the city of austin, texas do here by proclaim december 6 through 13 as edible austin eat local week in austin, texas. Gratlations. Congratulations. [Applause] urban roots, we're going into our second year next year, spring and summer. What we do is we bring on young people age 14 to 17, and we've got a farm out in east austin, a little over an acre where the young people learn organic farming, sustainable agricultural, healthy eating. What they grow on that farm they donate 40% of that goes to hunger relief here in town. Eight or nine really fun events that are going on december sixth through the 13th. com to find out about the events. Thank y'all.

Martinez: Now I'll turn it over to councilmember leffingwell.

Wary here to talk about -- we're here to talk about our neighborhood habitat challenge contest, which was begun about a month ago and it challenged all the neighborhoods in austin to recruit as many backyard habitats in their neighborhood area as they could. So now we had a little press conference this morning and talked about that and how it fits into our community habitat designation program, which we -- by the way, we have the numbers, we have a number of individual residences now, we have the number of public places. We have the number of commercial places to qualify as a community wildlife habitat here in austin, but we're waiting right now for verification of those numbers by the national wildlife association. We began this process about a year and a half ago and sense then we've done a number of things thanks to alice nans who was actually with the national wildlife foundation at the time and it now a city of austin employee with the parks department. And she's kind of sure this program worked for everybody. Last month as I pointed out this morning, our own city hall was designated a wildlife habitat. Of course I've known that for a long time that there are some wildlife around this place. [

Laughter] but now it's official. So what we have here are three winners. We have three proclamations that are all the same, so I'm just going to read it once and we'll distribute the proclamation. The winners are of course, first jester estates. Dale and pat bueller. And sheryl silver representing allendale. [Applause] and jessica winslow representing my neighborhood, highland park, west balcones neighborhood association. That's what hpbwana. And I do live in that neighborhood and my house has a habitat backyard and i have the sign right too. So I'll read the proclamation and give you folks an opportunity to say a few words after we do that. Be it known that whereas the city of austin strives to create habitat suitable for wildlife within backyards, school yards, public areas and places of business and ship and whereas the parks and recreation department's wildlife austin program recently concluded its neighborhood habitat challenge, winners worked to remove invasive plant species and identified residences as habitat providing song birds and lizards with food, cover and places to raise their young and whereas jester estates homeowners association won first place with 36 new certified habitats and they have even more by now. Allendale neighborhood association placed second with 25. And highland park, west balcones area neighborhood association camp mabry in --came in third with 17 new habitats. Now therefore I will win, mayor of the city of austin, texas do here by proclaim jesserster, allendale, west cal bones highland mark neighborhood associations as winner of the neighborhood habitat dhal leng in austin, -- challenge in austin, texas. Congratulations to everyone. [Applause]

we want to thank the city of austin for making this possible be. Look throughout the city for these signs. You will find dozens and dozens of them all over neighborhoods in the city of austin. Austin's commitment to cleaner air and cleaner water makes the habitat challenge very relevant to what we're trying to do today. I just happen to have with me applications. If any of you have not had your yard certified, it's I'll be glad to give them to you. We have free handouts on how to attract birds and butterflies. Raise your hand after wary finished and I'll be glad to give you one. Thank you for supporting wildlife and good habitat in austin.

Leffingwell: Sheryl, would you like to say something?

There's so many wonderful things that can be said about this program. I thought that this evening I would just share some of the little insights that have happened for families in the allendale. Most recently I heard from the father of a young boy. I think he's about five years old, who was so excited he went and he called his dad to come out in the yard because he said, come and listen, there's a carolina house rand. And he has now learned to identify birds from their songs because as part of this process he and his dad listened to the songs of birds online and then identify the visitors to their yard. This is in my opinion a wonderful thing to do for the community, but it's a very selfish to do too because it's so much fun. If you need more delight in life, and there's no mileage that builds up. All you have to do is step outside. Consider creating a wildlife habitat in your yards. You'll be so happy that you did. Thank you.

Thank you again. We are very excited by highland parks west balcones neighborhood association to have placed third place in this challenge. I want to thank the 17 neighbors who participated by getting their yards certified, of which two are here tonight, harriet and carol. And we all live on the same street, lucas lane, no coincidence, though. And our neighborhood also is very blessed to be adjacent to the

bright leaf natural area and that area attracts a multitude of wildlife from coyotes to deer to the golden cheeked warbler and many other migratory bird species. We really live in a beautiful area. Thank you very much for this opportunity to participate. [Applause]

Leffingwell: Would anyone else like to say a word? Alice?

I just want to say this has been a really fun challenge for me too because I got to know all of these nice people and we've had a really good time going out and promoting the wildlife austin program and this idea of gardening for wildlife. And what's been really inspirational is the fact that these communities came together to do the invasive plant removal, which required some community organizing and some planning and some outreach. I hope that those types of activities continue on in the future. And we are looking forward to certifying austin as the first community wildlife habitat certified by the national wildlife federation in texas and it will also be the largest city in the country to receive the certification. So we're waiting on that day. Thank you very much for your time.

Leffingwell: Thank you, son. Thank you, everyone, for participating in program. And we'll take a picture now if you would like.

Morrison: I want to welcome you all here to take a minute to think about homelessness in our city, which is one of the most difficult challenges that i believe that we have in terms of making sure that everybody in our city has a roof over their head and a quality of life so that they can be safe and healthy. So this is a week that there are a variety of activities going on to raise awareness on homelessness for the folks, men, women and children that are homeless in our town. I know last weekend we had the art from the streets art show which was really great and the sunset -- sunrise service, but anyways, I'm proud to be able to present a proclamation today that says be it known that whereas the homeless population in austin nice severe economic and psychological devastation, whereas advocates for the homeless across the nation are uniting to call attention to the plightful many women, women and children who lack the economic means for provide for their basic needs and whereas we all on all citizens to make an effort to face -- to fight this waste of human potential, needless suffering and tragic loss of life. Now therefore i, will wynn, mayor of the city of austin, texas do here by proclaim november 16th to 22, 2008 as national hunger and homelessness awareness week in austin and I want to present this first to -- there you are. Richard troxell, who is also going to introduce the other folks that we have here with us.

Thank you, councilmember. With me today is rick rivera from family connections, david gomez from mhmr, arnold gephart, who is a united states veteran, experiencing homelessness right now. Valerie ramos from clip joint hair salon. I'm with house the homeless. We're here to talk about national hunger and homeless awareness week. Our community of austin is focusing on our concerns. We're representing echo, which is 70 community organizations coming together in every aspect to try and deal with homelessness. We're also representing house the homeless. [One moment, please, for change in captioners]

read the names of the men and women that died on the streets of austin and we are going to share

those names with you for those of you who could not be there. Gym and I adams.

Robert garcia.

Shirley puckett.

Mone alex.

A mal yeah garcia.

Tracy quaker.

Salvador.

Miguel garza.

Samuel regan.

Juan astron.

Arthur gonzales.

Reese.

Lois atkinson.

On delia gonzales.

A.m.a.n.c.o. .

James gonzales.

Vincent roberts.

Cruz a.v.i.l.l.a.

Juan granada.

Receiptic.

Rois baker.

James griggs.

Laura rodriguez.

Jerry barker.

Carson ham brooklyn.

Michael rosenthal.

Christopher bearo. R.u.e.z.

Reilly bennett junior.

Charles biener.

Juan hernandez.

Jose e.s.q.u.e.r.e.z.

Mary height.

Danny s.e.r.a.

Elinor boulder en.

Oscar holts.

Charles shaw.

Joseph b.a.l.d.o.c.

Walter howard.

Timothy side.

Patsy bright.

Eddie hunter.

Marcel a salazar.

Chris b.r.i.l.y.

John jackson.

Robert spear.

Ramon b.r.i.o.n.e.z.

James.

Randall sinclair.

Valerie brook.

Vernon jefferson.

Sonny sterling.

Bryant.

Mary johnson.

Laura tanner.

James burgess.

D.o.m.i.d.a. jones.

Steven t.a.h.i.l.

Mark butler.

Hung k.e.i.

Tail.

Charles bird.

Eddie kaiser.

Michael t.a.k.i.

Steven campbell.

John lamp earth.

Eugene town s.e.l.

Margaret.

Paul layer more.

Mike contended l.e.t.i.s.

Leslie l.a.r.u.

Margein cantu.

Melvin.

Simon vasquez.

Ignacio came roscoe.

Hope leonard.

Aaron b.u.t.e.z.

Eric carter.

David walker.

Billie cave.

Juan l.a.v.e.z.

Gregory warren.

Larry c.a.v.e.

Johnny watson.

Marina.

Sherri mason.

Robert chen wit.

evelyn McCarty.

Martin webber.

Clifton.

willie McDade.

Mark wise.

Donald coffman.

Lola white.

Alfred coleman.

Mendoza.

Ray cordova.

Jack miller.

Mill burn williams.

Michelle c.o.w.a.n.

Barbara mitchell.

Dhabi williams.

Michael curtain.

Stewart montgomery.

Dhabi wilson.

Carlster davis.

Eliza myers.

Mary dixon.

Brandon n.u.s.o.m. jr.

Cc wong.

James ellis.

Joseph norris.

Woolly w.t.

Sam fairchild.

Jimmy o.v.e.r.a.

Le oal a peoples.

Hector.

Mary friend morgan.

John perry jr.

Billie forest.

Laura price.

When you hear them like that it almost becomes dead ning. It almost numbs the mind because there are so many names, but when we hear them we hear the names of our friends, because we work with these people every single day, and every single day people are living and dying on the streets of austin, texas. It's not the only memorial like this. There are memorials like this being held all over the united states of america. People are living and dying on the streets of america. We can do better. We hope next year to read no more names. Please help us to help others. Thank you so much for the proclamation and for this time together. [Appla boys. at this time I'll call back to order the meeting of the city council. We've been recessed for almost an hour. Apologize for the delay. We have one more zoning case to take up before we then conduct a handful of public hearings, that zoning case, guernsey, would be no. 97. mayor and council, not 97 is case c14-2008-0052 known as the tjg property located at 9609 swanson's ranch road. This is a zoning change request from single-family residence-standard lot or sf-2 district zoning to general commercial services or cs district zoning. The zoning and platting commission's recommendation was to grant general office conditional overlay or go-co combined district zoning with conditions. The property is located at 9609 swanson's ranch road. The property is just over a half acre in size. The commission's recommendation -- zoning and platting commission's recommendation was to grant go-co zoning with a conditional overlay that would limit the property to personal services as the only permitted general office use, and allow all other neighborhood office or no uses on the property, and also no site development standards. In addition, that require that all parking be located on-site so they could not do off-site parking, and that the property be limited to a development of a 150 trips per day, and the conditions that are contained in the neighborhood traffic analysis. There is a valid petition in opposition to this zoning change. We are only prepared to do first reading today, so a super-majority vote is not necessarily required to override the valid petition if the council desires to do so, but the petition does stand at 38.85%. The property currently consists of a

single platted lot and contains an electrician's business, monogramming shop, a contractor's office. It is adjacent to existing single families, uses to the north and south. There are also single-family residences on the west side of swanson's ranch road, and then two -- including two directly across the street from the subject property. The rezoning to general commercial services as requested was to resolve an issue by code enforcement regarding the existing uses on the property, which would include a construction sales and services use, in which the first district where this use would be permitted is in the cs zoning district. It has been before you several times and through various postponements, and is ready to move forward today. If you have any questions I'll be happy to answer them at this time. Copies of the petition are in your backup material, and that the petition would state that they object to any rezoning other than to a classification of sf-2. It's also the slaughter neighborhood association and ises slna has voted unanimously to approval the zoning changes at 9609 swanson's ranch road. And with that I'll pause and be happy to transfer them at this time. questions -- excuse me. guernsey, council? Comments? jim bennett is here as the agent on behalf of this case.

Mayor wynn: fair enough. So council, then without objection we will conduct our public hearing portion of this zoning case. We'll set the clock for five minutes. jim bennett as the agent, and then we'll hear from folks -- we have one speaker in favor and one speaker in opposition. Welcome, mr. bennett.

Mayor and council, I'm here tonight on behalf of greaney's request for zoning request. guernsey said to you, we originally police department for cs zoning but we're soaght for the zoning and platting commission's recommendation that has been guernsey too, and part of that recommendation, when we first went before the planning commission, it was determined at that time that -- to postpone that request, and it was suggested by the chair that any of the commissioners who were unfamiliar with the area go out to the site and the area and look at it. After doing so at the next meeting they did present the recommendation that's before you. When you look at the backup material from staff that's part of the tia, the staff recommended a conditional overlay of 500 trips. We don't need 500 trips. The planning commission recommended 150 trips. We doubt that we would have 150 trips. There are three buildings on the site. One building is about 360 square feet approximately and another is about 600 and then another one of about 600 so totally about, round numbers, 1400-square-foot of building. This site is not going to warrant itself to a 5 or 6 or 10 story office building. guernsey indicated it is onslaught lane east of manchaca road. The property has frontage on two streets. Swanson's ranch road to the west and david moore to the east. Opposite -- across from david moore is lr zoning and multifamily zoning, which is developed with about 350 apartment to the east of us. This property is -- when you look at the zoning map, has residential property -- residential zoning to it, but primarily that's from the annexation when the property was annexed into the city of austin. If you'll look at the property on your viewers there, these two -- this property, first on the top side, is a roofing company that is immediately adjacent to our site on the northeast portion. It does front out on to slaughter lane. The adjacent property is a -- the property to the northwest of us at the intersection of swanson's ranch road is developed with a commercial day-care center. In between that day-care center and our property is an abandoned mobile home. If you walk further down the street, this is the building that is on the david moore portion of the site, that's on the east portion. That's on the lower photograph. On the upper photograph is the entrance to the property. The morguan portable building that you see there is one of the buildings that we're talk about. It's approximately 12 by 30 feet in length. The bottom photograph indicates the property to the --

immediately north of us on the west side of our property, immediately across swanson's ranch road is the sado repair facility which is in the lower portion of this property and that's almost immediately across the street from our site. If you look to the property on the top -- in the bottom viewer, it's just on the other side of the fence, is vehicle storage, which probably is used to contain 50 or 60 cars in dismantled repair. This is a woodworking company that's further down the street, a couple houses down. The cars on the bottom are the ones that I referred to in the last photograph indicating to you that it is to be storage. These two properties here, one is located to the far right, is a transmission facility. There's a plumbing shop in the building to the left. So this is a piece of property in between us and the plumbing company as well. So council members, you actually have 13 properties that front out on swanson's ranch road. Six of those properties are being used for some form of commercial use, and that's because they're there in the sf-3 zoning when it was annexed into the city. We met at last council meeting when we requested a postponement. We met with some of the petitioners, and we thought we were working toward an agreeable solution such as fencing and leave the lagustr rooms on the swanson ranch side, putting signs on the fence saying no parking. They were going to take that back to their people and see we could come to a resolve. However, we have not heard from those folks until just this afternoon, and I think they're still in opposition. When the planning commission was crafting the recommendation to you and they put 150-trip limit to it, it would presume that half the cars might come out on swanson's ranch road and then half the cars might come on david moore, so you wouldn't be encumbering either street with a lot of traffic. Council members, the one electrical contractor office is a business administrative office. It houses a person that stays there daily to take orders and talk on the phone. That probably is not going to generate 50 cars, and the other business in the rear is probably not going to generate very much traffic. Those are my comments that i have on it, and we would request that the council consider the planning commission's recommendation and to grant on first reading the planning commission's recommendation. thank you, mr. bennett. Questions for the agent, council? If not, we will hear from folks in favor of the zoning case. We have one sperg,

thank you very much, my name is tj grainy. I live one block over. I am the owner of this property. I've owned it for about eight years. Like I said, I've lived one block over on chis home trail when slaughter lane was not much more than a ranch road. I've been very active in how that neighborhood has come about, a lot of the rezoning of the homes, a lot of the apartments that went in. I was very active in that. It is now in my backyard. We understand, as well as the slaughter lane neighborhood association understand, the change of the face of this area, this neighborhood. This particular property has been in a nonconforming use since 1981. It's been a little cabinet shops there and all kinds of little cottage businesses, as this whole area is. The houses up and down the street have been rezoned as recently as the last council meeting I was here and a neighbor got his property rezoned. It's just the way it is. This particular property, we're just trying to conform with -- with what we're supposed to be doing. It's a very low impact, and if you look at the properties around it, particularly the one with the abandoned -- clarence voguele's property next door with the abandoned trailer. Our property is very well kept. It's very well maintained. It's very low impact, and we've just been there a long time. We've tried to be good neighbors and we hope to continue the same thing and appreciate your time. Thank you very much. thank you, mr. greaney. Questions for t.j., council? Thank you, sir. So council that's all the folks in favor of the zoning case. We'll now hear from two folks in object situation before we hear back from mr.

bennett. Our first speaker in object situation is ronald carson. Welcome plrks carson. You'll have three minutes to be followed by chris cortez.

Thank you for the opportunity of speaking this evening. My named is ronald carson. I'm president of the swanson's ranch road neighborhood association. The significant point, most of those businesses have been grandfathered in for approximately 20-plus years, and it was annexed as sf. However, the property we're speaking about was a cabinet shop for about a year somewhere around 25 years ago, is my understanding. The automotive repair place has been there in excess of 20. We do have a valid petition. The neighbors on swanson's ranch road do not want this because they would be willing to accept a low impact, but what's been requested is having two businesses on this property, and also renting the trailer out, which I assume would be a nonconforming use. Two businesses and a trailer is just flat too much. The neighborhood would agree to one business and enter and exit on david moore. The pictures, and I'll walk you very quickly through them. It's not very -- you can't see it very well. The white truck you see there is parked there where some -- or two vehicles usually every day. However, when you get about six feet away from the building or the gate there, you're on the right-of-way, which is specifically against what the folks in the planning commission wanted. Move to the next picture, please. This is taken from the back of my property, and that large green can there, which is about 40 feet long and 8 feet high, I have some objections to because it kind of destroys the view of the property. Move on to the next one. This is a longer view of my property. I've been trying to turn it into a park for 15 years and made a little progress, but having a commercial building on the back of it is not acceptable. What would be acceptable is getting rid of the green can and having a 6-foot privacy fence run all the way down the property on both sides. The neighbor on the other side has requested that. This, it's too intense for this limited area. Swanson's ranch road is not wide enough to do much of anything. Can you move to the next picture? That's -- hit this thing here. Two vehicles can't readily pass. It's just not wide enough and they really don't want any more traffic. They have a -- the butler plumbing has 20-plus employees and there's another transmission repair down there. And that's the final picture of the building. We would like to see no morch one business on this property -- no more than one business on this property and limited to that use and have it come off the david moore side, which has got a road that can support any of this, but they can't park in front on david moore. It's on the right-of-way. thank you, mr. carson. carson, council? Thank you, sir. And our final speaker is chris cortez. Welcome, chris. You too will have three minutes.

Thank you. Real quick, I bought the property three years ago because it was a cul-de-sac, nice, small area in the neighborhood I thought we wouldn't have a lot of traffic in. I don't oppose somebody opening a business. I hate to hold somebody back from having a business. I just don't think that our street can handle the traffic if -- you know, if what is going to go in is going to go in. Not opposed to something somebody have a business. I don't think swanson ranch road -- we have such a small narrow road there and I just don't want to see a lot of traffic there. And I own the wood floor business, and none of my employees -- I purposely don't want them to come to my house. They always go to the job, straight to the job, just because I don't want them to park on my street because it's a small street. So that's all I have to say. That's it. Thanks. thank you, mr. cortez. So council, that's all of our speakers. Now we'll have a one-time three-minute rebuttal from mr. bennett. Thank you, chris.

I will try to address the carson's, which I have heard before as well. I believe this is the first time I've actually met with mr. cortez. Swanson's ranch road is a dead end street that has the two commercial properties at the end of it. The auto repair and the plumbing company. As you can see from the aerial map that's presented to you in your backup, when you leave slaughter lane coming to this site, it's two lots in and it's two lots out. There is no reason at all for anyone visiting this site to go any further past this site because they get nowhere. There's no way out. So anyone that would be perhaps coming to this site would be coming two lots in and two lots out, which should not be interfering with any traffic going further down the street. And with the limited uses of -- to the intensity as carson, the no zoning is the most restrictive zoning that we have, I believe, and the site development regulations as outlined in the zoning and platting's commission's recommendation to you further restrict and limit the use of the property in the future. So to ensure that there will not be any major operation going on at this facility, we think inasmuch as other neighbors in our street have commercial uses, such as identified in the photographs to you, that greaney should also be able to conduct his business much like his neighbors. I'm available should you have any questions. thank you, mr. bennett. Questions of our agent, council? Comments? If not, then that concludes the public hearing portion of this zoning case, no. 97. Council member leffingwell? Thank you. I'm going to move to close the public hearing and approve item 100 with the zoning and platting commission recommendation on first reading, and just to reiterate that zoning and platting commission recommendation, although it's for go, the only permitted use -- go use is personal services, and all of the no uses are allowed and no development regulations, which prohibit street parking and the limitation of 150 trips a day. I'm just reiterating it. It's all in there already, so that's my motion. so motion by council member leffingwell to close the public hearing and approve planning commission recommendation on item 97. Seconded by council member martinez. I'll just say, I too will be supporting this for first reading only, but would recommend the course of course agent work with neighbors well in advance of second and third reading to increase the odds of a -- surviving the valid petition on third reading. Motion on the table, first reading only, planning commission recommendation. Council member morrison? guernsey, i have a question. One of the neighbors asked that the number of businesses be limited. Is there any way that we do that in the code? I mean, I know that no is a very -- is the least intense commercial zoning that we have, but, you know, we limit the number of house, for instance, or residential units but I've never really seen anything where we would limit the number of businesses.

Off the top of my head, I'm not sure if we have a condition where we've limited it to a single use. We've limited to range of uses and square footage. We could talk to our law department. Perhaps there could be a restrictive covenant that maybe could be achieved that would limit the property to only one primary use at a time, but I think we neat to talk with our law department about that. though one primary use could be two different businesses.

You could have two the same use. although i don't know if the applicant would be interested in any kind of limitation like that but it might be something to consider just as a possible discussion topic between first and second reading.

Council member, if I can address that, I think the proper way might be just to say that you're limiting to the buildings that may be on the site as well, currently on the site. Those total approximately about 1400

square feet, and they're in three different pieces, one about 600 and one about 300 and one about 600. So if you'd limit it to that, whether it's one business handling all three buildings or whether it might be three businesses in those three small buildings, I think might achieve smallness, if you will. that would be great, if you could have that conversation, because if we're just trying to distill what the real concerns are and to see if there's a way to deal with them, that maybe would be --

and we could create a limitation, an far, [indiscernible] area ratio on the property, that on the property could not exceed that square footage. It may not be exactly in that same configuration but it could not exceed the square footage that's already present. so I guess i would like to encourage everybody to engage in those conversations and the other two things I heard were about fences and also about -- I guess there was a big bin that -- which maybe could be screened or something. So I just want to -- I'm going to go ahead and support this just on first reading but really to encourage everyone to try and come to terms with these last what look like some hopefully small details. again, we have a motion and a second on the table, first reading only, item 97. Planning commission recommendation. Furs comments? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes on first reading only on a vote of 6-0 with mayor pro tem off the dais.

Thank you, mayor and council. 100 and 101 we'll bring back to you when we 00 had you been hearings.

Mayor wynn: fair enough. 00 public hearings that we have, there are no speakers signed up except for the one flood plain variance case 102 with a couple folks here for that so without objection I'd like to go ahead and take up item 102 to try to send a few folks home sooner rather than later. Again, this is a public hearing to consider ordinance regarding floodplain variance at 10017 wild dunes drive. Welcome a brief staff presentation.

Mayor, council members, assistant city manager, I'm from watershed protection. I have the pleasure tonight to present a variance from four sections, from section 25792 b and 297-2 of the city code to allow construction of a 3,695-square-foot single-family property at 10017 wild dunes drive in the 100-year floodplain off the onion creek watershed. The proposed residents would be surrounded by water at 1 feet at the front and 8 feet at the back of the property. Also it is a variance to wave the requirement on section 25123 local amendment to the building 3, to provide safe access within a one-year storm. 3 feet of water at the front of the house on the road. And then the last one is to wave the requirements on 152 to dedicate a drainage easement to the full limit of the 100-year floodplain by sciewgd the footprint of the structure of the house only. I just wanted to take a couple minutes of your time to explain this lot. Also I would like to tell you two other variances that we consider on the same street in the past. This is a vacant lot but it was platted in travis county on may 17, 1985 in the onion creek subdivision. This is east of i-35 and south of slaughter lane. This area was annexed by the city on january the 1st, 2004. Most of the lots on this street were built in the late '80s mid-'90s prior to annexation. The lot, as you can see on this slide is entirely located in the 100-year floodplain which is the area in light blue. The 25-year

floodplain is the area in dark blue, and the 25 does not encroach into this lot. The 100-year floodplain is the flood that has 1% chance of being inundated by flears floodwaters in any given year. There are clearly four lots vacant on this street. It's the one that we have in consideration and three more going east, which is down on watkins drive. 10017 Wild dunes drive which is due east of the property, was denied by council on june the 5th on 2008. Let me just tell you the difference and the similarities between those two. The residence of 10021 wild 8 feet of water in the street. 3 feet of water. Also, the proposed -- the one considered tonight at 1 feet of water in the 8 feet of water in the back. The one that was denied by council had 3 feet of water surrounding the property. The site of the lot is very similar, and then in both cases the applicant at the time that the variance was submitted, they were buying the property. They were not the current owners. Now let's go to the variance that was approved by council on december 16, 2004. That's five lots going east on wild dunes drive at the cul-de-sac which is called wild dunes court. That one was approved on december 16, 2004. Residence was proposed to be built two feet above the floodplain and there were two lots where the property was built on it, and for that variance it was 4 feet of water on the street. This is the lot, which is a vacant lot. Next to lot 29, which is a big drainage easement and a pue. This one is the plat shows -- it was platted in 1985. As you can see, the yellow highlighted, it is the drainage easement that it was dedicated back in 1985. At that time the lot was platted based on a fema study that was done in the late '70s and it was adopted in 1982. This one is also the drainage easement between that lot and the adjacent lot. There is a pipe coming from there, and there is a head wall at the back of the creek. and smith, according to the travis county appraisal district. They bought the lot in august 2003, prior to annexation from the city on january the 1st, 2004. The flood insurance map at that time, the one that they were in effect were the one from january 19, 2000, and those maps show that the hundred year water [indiscernible] covers the entire lot. It is our understanding with conversation with the applicant that the carmelos are buying the property now. The challenge we have with this particular site is under the hundred year flood position there will be 3 feet of water on the road and then the owners will need to walk about 225 feet to go to dry land. Our recommendation is not to allow variances based on that depth of water, due to lack of safe access to our public safety responders, to the house in case of any emergency that the occupant has, and that's the main reason we recommend against this. We know that our firefighters and our emergency responders are very brave, and they really will do anything that is possible in order to rescue anybody. We just don't want it to put them at more risk. They also -- as I told you before, there would be 1 feet of water at the front 8 at the back. And this is not an area that is a buyout. We have another buyout that I mentioned when we did the presentation on the other ranch, this is about 3 miles downstream of this one and that's the one that we bought more than 200 properties and we have spent more than \$15 million, but this particular is not in the buyout area. The owners are proposing to elevate the structure one foot above the floodplain. 5 feet below the elevation. However, they are planning to do all the plumbing, the mechanical system, the sewage, the water heater, the air conditioner will be elevated above the 100-year flood elevation. We will need really to have a storm that exceed the 100-year storm for water to get inside the house. The fact is a flood -- a hundred year flood has not occurred on this street, but that doesn't mean that it can't occur in any given year. With that, that concludes my presentation, and this is just a summary of the findings. They meet two out of the five findings, which is they put in the structure one foot above the floodplain and they also have a hardship condition. The other three they did not meet, which is building in the floodplain, no safe access and additional

[indiscernible] to be there. And I'll be happy to answer any questions you have.

Mayor wynn: thank you. Questions for staff, council? Comments? We do have a couple folks who want to give us testimony. Let's see. Our first speaker is shaw hamilton.

Mayor and council member, I'm shaw hamilton, agent for the client. I worked for the city for 23 years. I retired and I was the fourth floodplain coordinator for three of those years. I've been working with the client to design this property to have least impact as they can. They have not only designed their house to be one foot above the floodplain, but they've also put it on pillars to where they won't impede flow or they won't displace any water that was there before. The garage was built in the floodplain to have break-away walls, so again, if you have any kind of storm, the walls are designed to break away, again, not to impede any flow. I want to stress this is not part of the buyout area. This is not something that's in the plans for the city to buy out. These four lots are the only four lots that are left in this subdivision to complete the entire -- excuse me, the entire subdivision. If you've got any questions I'll be happy to answer. thank you, mr. hamilton. Questions for the agent, council? Thank you, shaw. And let's see. Looks like todd glendon is here to answer questions if we have them. He's in favor, as is carmelo garcia, also not wishing to speak, in favor. So that's all of our citizens who have signed up on this case. Comments, questions of staff? Motions? Council member martinez? . I've actually been down to the site to look at it and obviously it's surroundedly residential on both sides of it and across the street, and while I realize because of development and because of impervious cover, the floodplain has changed over time, you know, but as long as the owner is willing to build the house out of the floodplain in terms of surface level and as long as we have residents that are surrounding this property, i don't see any additional risk necessarily than what currently exists out there. So I'm going to move approval of the variance request. motion by council member martinez to close the public hearing 102 and approve the variance request. And I'll second that. Further comments, questions? I'll just say, these are always troubling cases because obviously it puts homeowner or property owner, usually a family, you know, in a significant economic hardship, but as council member points out, the fact that these lots are surrounded by homes, if and when, I guess, there's a hundred year flood, like it or not, our emergency personnel are going to be on that street in that neighborhood doing -- whether they're in boats or not, doing you know, everything to get all the other neighbors to safety, hopefully well in advance of, you know, significant rising waters, and so, you know, I'm never perfectly comfortable doing these things because of risk involved, but the fact is i just don't think there's a variable or incremental risk to speak of by having one more home in a fully built out neighborhood that clearly will be needed to be addressed with emergency personnel in the event of a tragic flood. So we have a motion and a second on the table approving the variance. Further comments? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: aye. Opposed? Motion passes on a vote of 6-0 with the mayor pro tem off the dais. So council, see, that takes us to public hearing 103. I see ms. judy farmer.

Thank you, juney plumber, real estate services, item 103 is a change in use in parkland which is a chapter 26 public hearing. The ultimate result of the removal of the lift station adds about a fourth of an

acre to the parkland. The legal fact finding for 103 is that there is no other feasible and prudent alternative to the taking of the dedicated parkland, which includes all planning to minimize harm to the park. thank you, plumber, and we have no citizens signed up to give us testimony on this chapter 26 hearing, case 103. Questions for staff, council? Comments? If not, I'll entertain a motion. Motion by council member leffingwell, seconded by council member shade, to close the public hearing and approve this chapter 26 finding. Further comments? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: aye? Opposed? Motion passes on a vote of 6-0.

Thank you. thank you, ms. plumber. guernsey, I think that brings up sort of these combined public hearing and zoning cases, 104 and 5 as public hearings, and 100 and 101 as our public hearing zoning cases. I'll let you coordinate how they get called up in what order.

Thank you, mayor and council member. Item 104 and 101 are related. 105 will be about seaholm and I think you'll take that after -- you're right, thank you.

So let me -- margaret shaw, who is director of neighborhood housing and community development office, will be walking through this with you, and let me just kind of start off introducing 104, 100 and 101. 104 Conduct a public hearing modifying east 11th and renewal plans, july 21, 2008, approve recommendation on a proposed modification regarding the 900 block of east 11 street and block 16 and 1425 east 12th street, on august 18, 2008, the board recommended city council not approve proposed modifications regarding the 1100 block of east 11th street known as block 18. On september 23 the planning commission voted to approve the proposed modifications in the 900 block of east 11th street known as block 16 and approve the modification -- modified version of the modifications to the 1100 block of east 11th street block 18. And that was presented -- that was presented by the neighborhood and business consensus. On october 14, 2008 the planning commission approved the recommendation on the proposed modifications at 1425 east 12th street. That's the urban renewal plan portion of this. The zoning portions, first I'll read into the records item no. 100. This is case c14-2008-0156, and this is for the east 11th street nccd. This is a city initiated amendment. The property located at 900 block of east 11th street known at block 16, and the 1100 block of east 11th street known as block 18. The proposal would be to modify the east 11th street nccd or neighborhood conservation combining district for various including but not limited to increase of heights for error ratio, maximum building coverage, impervious coverage, change in parking requirements and changes in permitted uses creating new subdistricts and the deletion of project controls. The planning commission's recommendation was to modify the east 11th street neighborhood conservation combining district for various development regulations, and these are in regards to both blocks 16 and 18. There was a valid petition that has been filed in opposition to the request on block 18. Item 101 is a zoning case for the modification of the east 12th street nccd. This is for the property located at 1425 east 12th street, and this zoning case number is case c14-2008-0163. And this is to resume the property -- rezone the property in corners in accordance from community commercial-mixed use or gr-mu nccd to combining district zoning to community commercial-mixed use neighborhood conservation gr-mu nccd and this will allow for the use

of the service station on this property. It was recommended by the planning commission to add this additional permitted use for this property at 1425 east 12th street. We are prepared to do all three readings tonight of 104, first reading 100, and all three readings of item 101. Item 100 relates only to block 16 and block 18 within the east 11th street 101 represents 1425 east 12th street. The owner's agent regarding block 18, and that's related 104 and 100, request an indefinite postponement of this item. Staff would not object to this. So you would not need necessarily to take any action on this, so you could defer action on that item. 16, we are prepared to go forward this evening, and you could actually go forward on first reading on 16, if it's your desire, and 101, this is also recommended by the commission and staff. That could go forward for all three readings, and you could actually take action on block 16 and 1425 for the urban renewal plan and do them on all three readings. I may not -- motion by greg guernsey. [Laughter] that I'll second. at this time I'll let margaret come forward to introduce block 16, and just speak to that briefly for the plan. I'll speak briefly to the zoning. She'll then speak to 1425 east 12th street for the urban renewal plan. I'll speak very briefly to the zoning, and mayor, I'm not sure if you have any speakers --

mayor wynn: we don't. -- for any of these items. Given that, if you have -- i can save you the trouble of the rest of the staff recommendation if you would like to take, I guess the planning commission's recommendation on item no. 100 For block 16, for the urban renewal plan, which relates to 104 and 100, and the commission's recommendation on item 104 and 101, I'll dispense with the staff recommendation unless you have some modification. council, without objection -- let's just confirm, no citizens have signed up. Do we have any citizens here to give us testimony on this combined series of public hearings 100, 101 and 104? Thank you. So council, without objection I guess I'm prepared to not have to make staff walk through all their individual recommendations knowing that the planning commission has taken its action, and apparently staff is ready for us to approve item 104, the public hearing regarding the plan on all three readings. Item 101, approving on all three reading, and then on item 100 noting that block 18 has been postponed indefinitely both as part of 100 and 104, we could take 100 on first reading only, and we could do all of this. I believe staff is suggesting, on the planning commission recommendation.

Guernsey: that's correct. So just as you said, mayor, on 104 you would be dealing with only block 16 and 1425.

Mayor wynn: correct.

You could do all three readings and that item would conclude this evening. 100 it would only be for first reading of block 16 and then on item 101 that would be for all three readings, and that you would be -- conclude the action on that this evening.

Mayor wynn: right. So council member cole? with the public hearing and adopt the planning commission and staff recommendations on all three readings. noting that block 18 has been indefinitely postponed, removed from this action on 104. 104 is the public hearing.

Mayor wynn: correct.

Cole: yes. so motion by -- actually I think we just -- combine motions. Motions.

Cole. That's for 104 and 100 to recognize that item 18 has been removed and we move to adopt the planning commission recommendation on first reading only, and on item 101, move for all three readings to adopt a planning commission recommendation as it relates to east -- 1425 east 12th street.

Guernsey: understood. And then that way block 18 of 100 and 104 being indefinitely postponed, we would have to renotify --

mayor wynn: correct. if we were to bring this back at another future date.

Mayor wynn: right. So motion by council member cole, seconded by council member morrison. Further comments? And again, no citizens have signed up on any of these cases. And we'll say, we're only suggesting that we not walk through staff recommendation. In no way does that -- I'm very appreciative of how -- I know how much time and effort, staff time goes into into all of this analysis. It's a lot of moving parts, several commissions for staff to have to report to and work with. So in no way is this somehow not being appreciative of all of staff's great work. mayor, I have an additional comment too. Also, I know that the staff has been dealing with the community on the hamilton dietrich's house and I would just like to encourage that to continue and the designation as historic and maintaining the facade.

Mayor wynn: understood. So motion and second combined, motion and second on the table for these three cases. Further comments? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: aye. Opposed? Motion passes on a vote of 5-0 with the mayor pro tem he and council member martinez off the dais. Again, that was three readings, 104, 101, first reading only 100. thank you, mayor and council. That concludes the zoning items and urban renewal items this evening. thank you, mr. guernsey and ms. shaw. Our last case is the public hearing 105 regarding the proposed tax investment refinancing investment zone 18 for the seaholm redevelopment project. I am told there's a slight little quirk here with the law department -- will allow for us to go through the public hearing, consider the ordinance but perhaps staff isn't quite ready on the ordinance? Is that the gist of this? That's right, don't want to add sales tax into that divining, but we can certainly conduct the public hearing. Welcome, mr. gonzales.

Thank you, mayor and council. This is the final step for creating the seaholm tif, and in the preliminary plan which you have as because of, we referred to the property tax and the sales tax going into the tif. Legal has advised us that the ordinance that was created for this doesn't specifically spell out sales tax, so we want an opportunity to come back at next council meeting with the revised ordinance that specifically calls out sales tax. But legal is advising that we can move forward with the public hearing.

will we have to conduct another public hearing just to do the sales tax insertion?

No, because the public hearing itself was posted correctly in accordance with what state requires.

Mayor wynn: correct. Thank you. So I'm sorry, did I miss -- is there going to be a staff presentation or do we just take public hearing?

This is just a public hearing, yes. are there any citizens that would like to give us public testimony on this public hearing 105 regarding the seaholm redevelopment project tax investment refinancing investment zone. Hearing none, I'll entertain a motion to close the public hearing.

Leffingwell: so moved. motion by council member shade, second by leffingwell, to close this public hearing item no. 105. Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: aye. Passes on a vote of 5-0 with council member martinez and mayor pro tem off the dais. Thank you, mr. gonzales. So council, I believe that concludes all of our posted business before this meeting of the austin city council. We stand adjourned. It is 7:28 p.m. Thank you all.

End of Council Session Closed Caption Log